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### Reflections on the Future of Social Justice

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## Reflections on the Future of Social Justice

*This paper contains remarks made on October 18, 1999 as part of the  
Dedication Celebration for the Seattle University School of Law.*

*Lucia A. Silecchia\**

Good afternoon. Let me begin by offering my warmest congratulations and heartiest best wishes to the students, faculty, administration, and staff of Seattle University's School of Law. This week of celebration is the culmination of years of careful planning, endless meetings, and for some, I am sure, many nights "sleepless in Seattle" as your plans for this new building grew into the reality that you celebrate and dedicate this week. I wish you many years of success in your new home, and I hope that here the traditions of your past and your hopes for the future find harmony and fulfillment.

I am very pleased that you have dedicated this first day of your celebratory week to the theme of "Social Justice." How to achieve social justice in a way that advances both individual well-being and the common good is an age-old question as relevant today as it has ever been. This is a question particularly relevant to ask at a law school. Attorneys have many responsibilities and are called to play many roles. Yet, at the core of an attorney's mission is that of advancing justice in the society we are privileged to serve. I hope that you who are law students and you who are lawyers do not view the obligation to pursue social justice as merely an idealistic daydream or a virtuous option. Rather, I hope that you embrace the pursuit of social justice as the core of your vocation as lawyers. More particularly, I hope that all of you who will call this beautiful new building "home" will dedicate your time here to thoughtful exploration of the particular

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\* © 1999 Lucia A. Silecchia. Associate Professor of Law, The Catholic University of America, The Columbus School of Law. I am very grateful to my research assistants, Maura K. Frickel and Patricia Corwin of the Columbus School of Law, for their assistance, and to my friends and colleagues who commented on earlier drafts.

ways in which you are called to serve justice in the career you make for yourself.

Because I am so pleased by the decision to focus on "Social Justice" on the first day of your dedication, I am particularly honored to have the opportunity to address you today and to share with you some thoughts about the future of social justice. The lens through which I will examine social issues will be illuminated by the perspective of the Catholic social tradition. Although I am neither philosopher or theologian or historian,<sup>1</sup> I have found much to be learned from the rich history of Catholic social teaching that has been described by Pope John XXIII as having "truth as its guide, justice as its end, and love as its driving force."<sup>2</sup> In our time together, I would like to begin with

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1. Many philosophers, theologians, and historians have written about Catholic social thought. For deeper insights into and further treatment of, this thought-provoking area, see, e.g., *A CENTURY OF CATHOLIC SOCIAL THOUGHT: ESSAYS ON 'RERUM NOVARUM' AND NINE OTHER KEY DOCUMENTS* (George Weigel & Robert Royal eds. 1991) [hereinafter *ESSAYS*]; *BUILDING THE FREE SOCIETY: DEMOCRACY, CAPITALISM, AND CATHOLIC SOCIAL TEACHING* (George Weigel & Robert Royal eds. 1993); JEAN-YVES CALVEZ & JACQUES PERLIN, *THE CHURCH AND SOCIAL JUSTICE* (J.R. Kirwan trans. 1961); RICHARD CAMP, *THE PAPAL IDEOLOGY OF SOCIAL REFORM: A STUDY IN HISTORICAL DEVELOPMENT 1878-1967* (1969); ROGER CHARLES, *THE SOCIAL TEACHING OF VATICAN II: ITS ORIGIN AND DEVELOPMENT* (1982); JOHN F. CRONIN, *CATHOLIC SOCIAL PRINCIPLES* (1950); DONALD DORR, *OPTION FOR THE POOR: A HUNDRED YEARS OF VATICAN SOCIAL TEACHING* (1983); *THE GOSPEL OF PEACE AND JUSTICE: CATHOLIC SOCIAL TEACHING SINCE POPE JOHN* (John Gremillion ed. 1975); PETER J. HENRIOT ET AL., *CATHOLIC SOCIAL TEACHING: OUR BEST KEPT SECRET* (Centenary ed. 1998); ALFRED C. KAMMER, *DOING FAITH JUSTICE: AN INTRODUCTION TO CATHOLIC SOCIAL THOUGHT* (1991); MICHAEL NOVAK, *FREEDOM WITH JUSTICE: CATHOLIC SOCIAL THOUGHT AND LIBERAL INSTITUTIONS* (1984); DANIEL A. O'CONNOR, *A CATHOLIC SOCIAL DOCTRINE* (1956); *ONE HUNDRED YEARS OF CATHOLIC SOCIAL THOUGHT* (John Coleman, S.J., ed. 1991); MICHAEL J. SCHUCK, *THAT THEY MAY BE ONE: THE SOCIAL TEACHINGS OF THE PAPAL ENCYCLICALS 1740-1989* (1991); EBERHARD WELTY, *A HANDBOOK OF CHRISTIAN SOCIAL ETHICS* (1963); MELVIN J. WILLIAMS, *CATHOLIC SOCIAL THOUGHT: ITS APPROACH TO CONTEMPORARY PROBLEMS* (1950). An historical perspective on the uniquely American aspects of this development may be found in Michael Warner, *From Subsidiarity to Subsidies: American Catholic Bishops Re-Orient Their Teaching on Society & Entitlements 1966-1986*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 581 (1997).

2. Pope John XXIII, *Mater et Magistra* (May 15, 1961) [hereinafter *Mater et Magistra*], reprinted in *CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HISTORY* 84, 121 (David J. O'Brien & Thomas A. Shannon eds., 1998) [hereinafter *CATHOLIC SOCIAL THOUGHT*]. The Church has, through the years, asserted the right and obligation to involve itself in the life of this world. See Pope Leo XIII, *Rerum Novarum* (May 15, 1891) [hereinafter *Rerum Novarum*], reprinted in *CATHOLIC SOCIAL THOUGHT*, at 21 ("The things of this earth cannot be understood or valued rightly without taking into consideration the life to come, the life that will last forever."). A similar sentiment was expressed in Pope John XXIII, *Pacem in Terris* (April 11, 1963) [hereinafter *Pacem in Terris*], reprinted in *CATHOLIC SOCIAL THOUGHT*, at 131, 137 (stating that the order of society "must function according to the norms of justice, . . . be inspired and perfected by mutual love, and . . . brought to an ever more refined and human balance in freedom."); Pope Paul VI, *Gaudium et Spes* (Dec. 7, 1965) [hereinafter *Gaudium et Spes*], reprinted in *CATHOLIC SOCIAL THOUGHT*, at 181 ("The social order requires constant im-

some thoughts on the nature of the social problems that face our generation and then explore five principles of Catholic social doctrine that provide some guidance on how to tackle these problems.

## I. SOCIAL JUSTICE AT CENTURY'S END

This is a particularly opportune time for an examination of the future of social justice. Today, we stand at the threshold of a new millennium. This is a time, certainly, for celebration, gratitude, and "widespread expectancy"<sup>3</sup> as our calendars make us citizens of a new era. What better time to consider the future of social justice than when the world celebrates in joyful hope our Jubilee Year 2000?<sup>4</sup>

Interestingly, such a link between reflection on social questions and celebration of special years is an ancient tradition. I find it fascinating and hopeful that "the social doctrine of the Church . . . is rooted in the tradition of the jubilee year."<sup>5</sup> According to Old Testament traditions:

[E]very seventh year, according to the law of Moses . . . was the 'sabbatical year' during which the earth was left fallow and slaves were set free. . . . On the sabbatical year, in addition to the freeing of slaves, the Law also provided for the cancellation

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provement. It must be grounded on truth, built on justice, and animated by love; in freedom it should grow every day toward a more human balance.") See also *infra* note 52. It should be noted, however, that the right of, and indeed, the obligation of the Church to involve itself in the worldly pursuit of justice has not been universally recognized, and the limitations on this role have been widely debated. See, e.g., Lucia Ann Silecchia, *On Doing Justice & Walking Humbly with God: Catholic Social Thought on Law as a Tool for Building Justice*, 46 CATH. U. LAW REV. 1163, 1165 n. 4 (1997) (discussing conflicting views of religious involvement in worldly affairs).

3. Pope John Paul II, *Sollicitudo Rei Socialis* (Dec. 30, 1987) [hereinafter *Sollicitudo Rei Socialis*], reprinted in CATHOLIC SOCIAL THOUGHT, *supra* note 2, at 395, 396. See also HENRIOT ET AL., *supra* note 1, at ix (noting a "rising crescendo of social consciousness and concern in the Church as we approach the end of the twentieth century").

4. See National Conference of Catholic Bishops, *Everyday Christianity: To Hunger and Thirst for Justice* (last modified Oct. 21, 1999) <<http://www.nccbuscc.org/sdwp/projects/everyday.htm>>:

The year 2000 is a holy year, a time of favor, a reminder that we live and work in a time of special grace between the Incarnation of Jesus and his Second Coming. . . .

The jubilee was an ideal, a reminder that Yahweh, the creator of all, was the true owner of creation and that those who live in a covenant relationship with Yahweh must also seek right and just relationships with all people. . . .

Like the ancient Israelites in their time, Catholic lay persons today ought to see the coming Jubilee as a call to renewed practice of charity, pursuit of justice, welcome to the stranger, and new efforts to permit all to participate in the life of the community. As followers of Christ transformed by the power of the Holy Spirit, Catholics must strive to open their hearts to Christ's truth, love, and justice, and to grow in virtue. Each generation of believers must take up this task. This is an essential part of what it means to be holy today.

5. Pope John Paul II, *Tertio Millennio Adveniente* 16, 21 (Nov. 10, 1994) [hereinafter *Tertio Millennio Adveniente*].

of debts. . . . And all this was to be done in honor of God. What was true for the sabbatical year was also true for the jubilee year which fell every fifty years. In the jubilee year, however, the customs of the sabbatical year were broadened and celebrated with even greater solemnity.<sup>6</sup>

Under this tradition, "[t]he jubilee was to be both a time of repentance when injustices were put right and the symbolic beginning of a new era. Jubilee called for a fresh start for the poor, an opportunity to reestablish justice and equity."<sup>7</sup>

This is also a theme that should be on our minds today.<sup>8</sup> The ancient Israelites linked the inner joy of celebration with its outward

6. *Tertio Millennio Adveniente*, *supra* note 5, at 18-19. For further discussion of the jubilee tradition, see, e.g., *Sollicitudo Rei Socialis*, *supra* note 3, at 430:

[T]he sons and daughters of the Church must serve as examples and guides, for they are called upon, in conformity with the program announced by Jesus himself in the synagogue at Nazareth, to 'preach good news to the poor . . . to proclaim release to the captives and recovering of sight to the blind, to set at liberty those who are oppressed, to proclaim the acceptable year of the Lord.'

See also Pontifical Council "Cor Unum," *World Hunger—A Challenge for All: Development in Solidarity*, (Oct. 4, 1996) [hereinafter *World Hunger*], reprinted in *SERVING THE HUMAN FAMILY: THE HOLY SEE AT THE MAJOR UNITED NATIONS CONFERENCES 924* (1997) [hereinafter *SERVING THE HUMAN FAMILY*]:

The sabbatical year was a time dedicated in a special way to God and it occurred every seventh year according to the law of Moses. During this year, the earth was left fallow, slaves were set free, and all debts were canceled. The Jubilee year fell every 50 years, during which the customs of the sabbatical year were broadened still further. Israelite slaves were not only freed, but they were also given back their ancestral land.

The jubilee tradition is also discussed quite extensively in *CAMPAIGN FOR HUMAN DEVELOPMENT, PREFERENTIAL OPTION FOR THE POOR* [hereinafter *PREFERENTIAL OPTION*] 7-12 (1996) and *U.S. CATHOLIC CONFERENCE, RELIEVING THIRD WORLD DEBT: A CALL FOR CO-RESPONSIBILITY, JUSTICE, AND SOLIDARITY* (1989). For discussion of a broader range of issues whose consideration is prompted by the Jubilee year, see *Tertio Millennio Adveniens*, *supra* note 5, at 63:

Christians will have to raise their voice on behalf of all the poor of the world, proposing the Jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not canceling outright, the international debt which seriously threatens the future of many nations. The Jubilee can also offer an opportunity for reflecting on other challenges of our time, such as the difficulties of dialogue between different cultures and the problems connected with respect for women's rights and the promotion of the family and marriage.

The biblical roots of the tradition can be traced to *Exodus* 23:10-11; *Leviticus* 25:1-28; and *Deuteronomy* 15:1-6. See, e.g., *Leviticus* 25:10 ("You shall hallow the 50th year, and proclaim liberty throughout the land to all its inhabitants; it shall be a Jubilee for you, and each of you shall return to his family.").

7. ADMINISTRATIVE BOARD OF THE U.S. CATHOLIC CONFERENCE, *A JUBILEE CALL FOR DEBT FORGIVENESS* [hereinafter *DEBT FORGIVENESS*] 2-3 (1999). See also Kammer, *supra* note 1, at 23-29 (describing jubilee tradition more fully).

8. This "custom of Jubilees . . . began in the Old Testament and continues in the history of the Church." *Tertio Millennio Adveniente*, *supra* note 5, at 17. See also *Luke* 4:16-30.

manifestation in their worldly affairs. This "duty to sanctify time"<sup>9</sup> required that celebration be marked with concrete action to resolve the pressing social inequities of the day. In times of old, this entailed freeing those who were bound, forgiving debts of the impoverished, and returning land to those to whom it rightfully belonged. In our own day, too, we are called to take advantage of our jubilant new year to identify today's most pressing social justice issues and to follow just principles which will become the outward manifestation of our jubilee commitments.

And what are our most pressing social justice questions at the end of the 20th century? Perhaps the most accurate way to describe our times is to say that we are living in an era of rapid change<sup>10</sup> and great contradictions<sup>11</sup>—changes and contradictions that challenge anyone who cares about the future of social justice.

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9. *Tertio Millennio Adveniente*, *supra* note 5, at 16. See also *id.* (observing that "From this relationship of God with time there arises the duty to sanctify time. This is done, for example, when individual times, days or weeks, are dedicated to God, as once happened in the religion of the Old Covenant, and as happens still, though in a new way, in Christianity.").

10. See, e.g., *Gaudium et Spes*, *supra* note 2, at 167:

Today, the human race is passing through a new stage of its history. Profound and rapid changes are spreading by degrees around the whole world. Triggered by the intelligence and creative energies of man, these changes recoil around him, upon his decisions and desires, both individual and collective, and upon his manner of thinking and acting with respect to things and to people.

A fuller description of the rapid changes engulfing the modern world can be found in *id.* at 168-69; *id.* at 202 ("[T]he living conditions of modern man have been so profoundly changed in their social and historical dimensions, that we can now speak of a new age in human history."); JOSEPH CARDINAL RATZINGER, *SALT OF THE EARTH* (1997) 115 (remarking that "one who has lived in this century has lived in a time of great transformation.").

11. The paradoxical nature of modern advances and development is a common theme in today's Catholic thought and reflection. A thoughtful discussion on this point can be found in *Gaudium et Spes*, *supra* note 2, at 168:

Never has the human race enjoyed such an abundance of wealth, resources, and economic power. Yet a huge proportion of the world's citizens is still tormented by hunger and poverty, while countless numbers suffer from total illiteracy. Never before today has man been so keenly aware of freedom, yet at the same time, new forms of social and psychological slavery make their appearance.

Although the world of today has a very vivid sense of its unity . . . it is most grievously torn into opposing camps by conflicting forces. . . . True, there is a growing exchange of ideas, but the very words by which key concepts are expressed take on quite different meanings in diverse ideological systems. Finally, man painstakingly searches for a better world, without working with equal zeal for the betterment of his own spirit.

See also *id.* at 187 (observing that "while human progress is a great advantage to man, it brings with it a strong temptation."); *id.* at 209 ("While an enormous mass of people still lacks the absolute necessities of life, some, even in less advanced countries, live sumptuously or squander wealth. Luxury and misery rub shoulders."); *id.* at 203 ("[M]an nourishes higher hopes, but looks anxiously upon many contradictions which we will have to resolve."); Synod of Bishops, *Justice in the World* (1971) [hereinafter *Justice in the World*], reprinted in CATHOLIC SOCIAL THOUGHT, *supra* note 2, at 289 (describing the world as "held captive by a tremendous para-

Today, much of the world lives in an era of unprecedented wealth and convenience.<sup>12</sup> Indeed, newspaper headlines recently touted the "all time high"<sup>13</sup> in household incomes in our nation as "[m]edian household incomes rose in every geographic region of the

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dox" and outlining particular areas of conflict and concern); Pope John Paul II, *Laborum Exercens* (Sept. 14, 1981) at 357-58 [hereinafter *Laborum Exercens*] (describing paradoxical character of technological advances); *Sollicitudo Rei Socialis*, *supra* note 3, at 408-11 (describing conflicting positive and negative developments in the advance of human progress); Prof. Mary Ann Glendon, Statement to the Fourth World Conference on Women (Sept. 5, 1995) [hereinafter *Statement of Prof. Glendon*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 529 ("Our century has been a century of unprecedented scientific progress, but one also which has seen horrific conflicts and wars."); U.S. CATHOLIC CONFERENCE, *A CENTURY OF SOCIAL TEACHING: A COMMON HERITAGE, A CONTINUING CHALLENGE* 3 (1998) [hereinafter *A CENTURY OF SOCIAL TEACHING*] (describing the modern world as a place "of stark contradictions: a world of inspiring new freedom and lingering oppression, of peaceful change and violent conflict, of remarkable economic progress for some and tragic misery and poverty for many others."); *Tertio Millennio Adviente*, *supra* note 5, at 46 (noting that "the present age, in fact, together with much light, also presents not a few shadows."); Pope John Paul II, *Centesimus Annus* (May 1, 1991), reprinted in *CATHOLIC SOCIAL THOUGHT*, *supra* note 2, at 439, 440 ("[W]e can already glimpse the third millennium of the Christian era, so filled with uncertainties but also with promises—uncertainties and promises which appeal to our imagination and creativity, and which reawaken our responsibility . . . to show the way."); and *Letter of His Holiness John Paul II to the Elderly*, Oct. 1, 1999 [hereinafter *Letter to the Elderly*] ("Like so many other times in history, our own has registered lights and shadows.").

12. In 1961, Pope John XXIII described, in a largely optimistic light, the changes coming to modern life in various areas of development:

In the fields of science, technology, and economics, these developments are especially worthy of note: the discovery of atomic energy . . . ; the almost limitless possibilities opened up by chemistry in synthetic products; the growth of automation . . . ; the modernization of agriculture; the nearly complete conquest, especially through radio and television, of the distance separating peoples; the greatly increased speed of all manner of transportation; the initial conquests of outer space.

Turning to the social field, the following contemporary trends are evident: development of systems for social insurance; the introduction of social security systems . . . ; greater awareness of workers, as members of unions, of the principal issues on economic and social life; a progressive improvement of basic education; wider diffusion among the citizenry of the conveniences of life; increased social mobility . . . ; greater interest than heretofore in world affairs . . . ; Meanwhile, if one considers the social and economic advances made in a growing number of countries, he will quickly discern increasingly profound imbalances: first, between agriculture on the one hand and industry and services on the other; between the more and the less developed regions within countries; and, finally, on a worldwide scale, between countries with differing economic resources and development. . . .

Today, in many communities, citizens from almost all social strata participate in public life. Public authorities intervene more and more in economic and social affairs. The peoples of Asia and Africa, having set aside colonial systems now govern themselves according to their own laws and institutions. As the mutual relationships of peoples increase, they become daily more dependant one upon the other. Throughout the world, assemblies and councils have become more common, which, being supranational in character, take into account the interests of all peoples.

*Mater et Magistra*, *supra* note 2, at 91.

13. Charles Babington, *Household Incomes Are at a High*, WASH. POST, Oct. 1, 1999, at A3.

country."<sup>14</sup> Yet, the poverty of the world's poorest endures.<sup>15</sup> It is estimated that "more than one billion people are currently living in a state of absolute poverty"<sup>16</sup> and "about 770 million people die each year from causes directly linked to poverty."<sup>17</sup> This poverty is not limited to individuals, but has spread to nations as well. Indeed, today, in the area of debt, "[t]he total external debt of the developing countries is more than \$2 trillion."<sup>18</sup>

Our technology, transportation, and scientific development have led to exponential increases in the ability of the world to produce food. The variety and the quantity of food produced is unprecedented, and each year insulates us further from the vicissitudes of nature which can threaten our food supply. Yet, the scourge of hunger continues to haunt the poorest of the poor.<sup>19</sup> An estimated 40,000 children world-

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14. *Id.*

15. See *Sollicitudo Rei Socialis*, *supra* note 3, at 397 (mourning "the situation of poverty and of underdevelopment in which millions of human beings live"); *id.* at 401 (noting "the persistence and often the widening of the gap between the areas of the so-called developed North and the developing South"); *Holy See Press Conference During the World Summit for Social Development* (March 9, 1995) [hereinafter *Press Conference*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 402 (noting that "more than one billion people in the world are living in poverty."); Pope John Paul II, *Message to Mr. Jaques Diouf* (Oct. 12, 1996), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 867 (observing that "the world remains divided between those who live in abundance and those who lack the necessary daily bread."); and Pope John Paul II, *Evangelium Vitae* (Mar. 25, 1995) [hereinafter *Evangelium Vitae*] at 20 ("[H]ow can we fail to consider the violence against life done to millions of human beings, especially children, who are forced into poverty, malnutrition and hunger because of an unjust distribution of resources between peoples and between social classes.").

16. Dr. Joaquin Navarro-Valls, *Statement on the World Summit for Social Development* (Feb. 28, 1995) [hereinafter *Statement of Dr. Joaquin Navarro-Valls*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 393, 394.

17. *Id.*

18. See *DEBT FORGIVENESS*, *supra* note 7, at 5. See also *id.* (noting that the debt "of the forty-one most impoverished and indebted countries is more than \$200 billion.").

19. See, e.g., Pope John Paul II, *Address at the World Food Summit*, reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 591 (noting that "more than 800 million people still suffer from malnutrition."); Pope John Paul II, *Address at the Opening Session of the International Conference on Nutrition*, reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 857 ("[E]very day, hunger causes the death of thousands of children, elderly people and members of the more vulnerable groups; a considerable part of the world population is unable to obtain its essential basic daily food ration; masses of people are heavily burdened by poverty, ignorance, and political conditions which oblige them to leave their homes by the millions in search of a land where they can find enough to eat."); *World Hunger*, *supra* note 6, at 869, 877 ("[M]illions of people are still marked by the ravages of hunger and malnutrition or the consequences of food insecurity."); *id.* at 881 ("Until the nineteenth century, famines which decimated whole populations were most often the work of nature. Today they may be not so vast, but in most cases are man-made."); *id.* at 882 ("Since the Eighties poverty has grown increasingly more serious and is threatening ever larger numbers of people in most parts of the world."); U.S. CATHOLIC CONFERENCE, *FOOD POLICY IN A HUNGRY WORLD: THE LINKS THAT BIND US TOGETHER* [hereinafter *FOOD POLICY*] 3 (1989) (observing "hundreds of millions of people malnourished or facing starvation in the developing countries."); *id.* at 18 (describing as



wide die each day from ailments linked to hunger,<sup>20</sup> prompting us to ask, "How, in a world that produces so much food, can so many, like Lazarus, still be left begging for crumbs?"<sup>21</sup>

This past century has seen the world grow smaller, as our telephones, televisions, and telecommunications have brought us closer to each other and show us each day our interconnectedness with each other. As Pope John Paul II has noted, "thanks to present-day technology, [it is] possible to reach beyond established borders, making us feel that we are citizens of the world."<sup>22</sup> The citizens of the world have reflected their hopes for peace in the creation of international entities dedicated to the pursuit of that peace through diplomacy. These bodies reflect the widespread optimism and the deep desire of the human heart to live in peace and shared dignity. Yet, our twentieth century has been scarred by war and human destruction on a scale unprecedented in history, leaving a legacy of violence and sorrow in its wake.<sup>23</sup>

Relatedly, the century we leave behind has increased the ability of people to travel, to see the world, and to enjoy freedom of move-

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"scandal" the fact that "nearly a billion people lack access to sufficient food because they either cannot grow it or do not have enough income to buy it.").

20. John M. Klink, *Summary Note on the Holy See's Participation at the World Summit for Children* (1990), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6 (reporting that there are an "estimated 40,000 daily deaths of children from a handful of common illnesses combined with varying degrees of malnutrition"); *FOOD POLICY*, *supra* note 19, at 18 ("We know from UNICEF that 40,000 children die each day from hunger and disease.").

21. *FOOD POLICY*, *supra* note 19, at 2.

22. *Letter to the Elderly*, *supra* note 11. Praise for scientific advancement more generally may be found in Pope John Paul II, *Fides et Ratio* (Sept. 14, 1998) at 152 ("So far has science come, especially in this century, that its advancements never cease to amaze us.").

23. See *Laborem Exercens*, *supra* note 11, at 354 ("Commitment to justice must also be closely linked with commitment to peace in the modern world. This twofold commitment is certainly supported by the painful experience of the two great world wars."); *Sollicitudo Rei Socialis*, *supra* note 3, at 412 (noting "the tragic experience of the two world wars, the planned and partly achieved destruction of whole peoples, and the looming atomic peril."); Angelo Cardinal Sodano, *Statement at the World Summit for Social Development* (March 12, 1995) [hereinafter *Statement of Cardinal Sodano*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 369 ("Humanity is now taking leave of a century marked by two World Wars, the Cold War and numerous other regional and local conflicts which have destroyed immense human and material resources. It urgently needs a stable peace."); Pope John Paul II, *Message for the Celebration of the World Day of Peace* (Jan. 1, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 821 ("The violence which so many individuals and peoples continue to experience, the wars which still cause bloodshed in many areas of the world, and the injustice which burdens the life of whole continents can no longer be tolerated."); *id.* at 826 ("With astonishment and concern we are witnessing today a dramatic increase in all kinds of violence."); *World Hunger*, *supra* note 6, at 905 ("Regional conflicts have cost the lives of about seventeen million people in under fifty years."); *id.* ("[T]he vast amounts of money earmarked for death, in the northern hemisphere as in the southern hemisphere, should henceforth be earmarked for life."); and *Tertio Millennio Adveniente*, *supra* note 5, at 25 (describing "profoundly disturbing experiences of the Twentieth Century, a century scarred by the First and Second World Wars, by the experience of concentration camps and by horrendous massacres.").

ment and easier passage among nations. Clearly, this has contributed to a renewed sense of our solidarity and unity. However, there has also been an explosion in the number of those who travel from their homelands involuntarily—those who live the life of refugees as strangers in strange lands. Indeed, “[i]t is estimated that there are more than 120 million [migrants and refugees] in the world, half of whom are in the developing nations.”<sup>24</sup> Those who are refugees suffer hardships that need new attention in the waning days of this century.<sup>25</sup>

Children have enjoyed a century in which, for many, their standard of living has gone up. In many places, their value has been recognized, their innocence has been protected, and their opportunities have increased well beyond what would have been imaginable a century ago. Yet, for many children, these are not happy times. The social problems which afflict their elders often have a disproportionate impact on the young. Child labor is still rampant in many areas of the world,<sup>26</sup> and the exploitation of children for profit continues.<sup>27</sup> For the

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24. Archbishop Renato R. Martino, *Interview Given to Vatican Radio* (Sept. 4, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 335.

25. *Sollicitudo Rei Socialis*, *supra* note 3, at 409 (lamenting “millions of refugees whom war, natural calamities, persecution, and discrimination of every kind have deprived of home, employment, family and homeland” and noting that the “tragedies of these multitudes is reflected in the hopeless faces of men, women, and children who can no longer find a home in a divided and inhospitable world.”); Pope John Paul II, *Message to Nafis Sadik* (March 18, 1994) [hereinafter *Message to Nafis Sadik*], (noting that “the international community needs to ensure that the rights of migrants are recognized and protected.”); Archbishop Renato R. Martino, *Statement to the Second Session of the Preparatory Committee for the International Conference on Population and Development* (May 17, 1993) [hereinafter *Statement of Archbishop Martino*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 273, 275 (“Vast displacements of population have plagued our century and continue to be the cause of unmeasurable sufferings. The causes of these vast movements of millions of refugees and migrants within and outside national boundaries cannot be ignored any longer and need to be courageously addressed.”).

26. See, e.g. International Labour Organization, *IPEC Statistics* <<http://www.ilo.org/public/english/90ipec/child/stats/4stt.htm>> (reporting that “[s]ome 250 million children between the ages of 5 and 14 are working in developing countries—120 million full time, 130 million part time.”).

27. Agostino Cardinal Casaroli, *Homily During the Celebration of Holy Mass at Holy Family Church in the Presence of Heads of State or Government and Their Delegations to the World Summit for Children* (September 29, 1990), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 52, 54 (“In our own century, many sufferings have been visited upon innocent and defenseless children by the atrocities of wars, by economic and political crisis, by the breakdown of family values and stability, by epidemics, famines and natural calamities.”); *id.* at 55 (describing plight of “young victims of various conflicts which have stolen from them the security of their homes, the warmth of their families, the innocent joy of their childhood.”); *The Holy See’s Initial Report to the Committee on the Rights of the Child*, in *Application of Article 44 of the Convention on the Rights of the Child* (March 2, 1994) [hereinafter *Initial Report on the Rights of the Child*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 90-92 (describing the plight of children who are exploited, homeless, forced to work, addicted to drugs, imprisoned, refugees, or victims of war); *id.* at 93 (noting that “corruption of children ranges from pornography to abuse of the mass media”); *National Report of the Holy See in Preparation for the Fourth World Conference on*

most vulnerable and youngest of our children—those waiting to be born—this century has been a deadly era.<sup>28</sup> In our own country alone, more than one and a half million such children lose their lives each year.<sup>29</sup> In many cases, this happens with the approval of and even the subtle or not-so-subtle encouragement of society.<sup>30</sup>

Women, too, have seen a century of mixed progress.<sup>31</sup> Unlike any century before this one, women have enjoyed a great increase in opportunities and official recognition of their equality with men.<sup>32</sup> Women have also made great strides in professional life, and many are now born into societies where they enjoy the right to vote—a basic participatory right that did not exist even in our own country at the turn of the twentieth century.<sup>33</sup> Yet, in spite of all this progress, women represent the majority of the world's poor. It has been soberly observed that:

[O]f the scandalously high number of persons who are illiterate, over two-thirds are women. Of the millions of children who are not enrolled in basic education, about seventy percent are girls. What is to be said of the situation in which the simple fact of being a girl reduces the likelihood of even being born, or sur-

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*Women* (May 30, 1994) [hereinafter *National Report*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 462 ("The sexual exploitation of young girls through prostitution has reached international proportions and is causing much grave physical, emotional, and moral harm, degrading the human person for the sake of profit, and most often leaving the person incapable of returning to a normal life.").

28. See, e.g., Pope John Paul II, *Address at the General Audience* (April 6, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 203 ("We cannot walk into the future while planning the systematic death of the unborn! We can only walk with a civilization of love that welcomes life."); Pope John Paul II, *Evangelium Vitae*, *supra* note 15, at 10 ("Today there exists a great multitude of weak and defenseless human beings, unborn children in particular, whose fundamental right to life is being trampled upon."); Pope John Paul II, *Christifideles Laici* (Dec. 30, 1988), at 15 ("Who is able to count the number of babies unborn because they have been killed in their mothers' wombs, children abandoned and abused by their own parents, children who grow without affection and education?"). See also *infra* note 70.

29. Bishop James W. Malone, *A Personal Pastoral Look: Back, Around, and Ahead, in the Church in the Modern World: A 30-Year Perspective*, WOODSTOCK REPORT NO. 42 (June 1995), <<http://www.georgetown.edu/centers/woodstock/report/r-fea42.htm>>. See also *Yearly Abortion Stats in the U.S.*, <<http://www.roevwade.org/rvw1.html>>.

30. See *Evangelium Vitae*, *supra* note 15, at 30 ("We are in fact faced by an objective conspiracy against life, involving even international insulation . . . [T]he mass media are often implicated in this conspiracy by lending credit to that culture.").

31. Dr. Joaquin Navarro-Valls, *Briefing on the Topic of the Fourth World Conference on Women* (Aug. 25, 1995) [hereinafter *Briefing of Dr. Navarro-Valls*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 514, 516.

32. See *Letter to the Elderly*, *supra* note 11 ("[T]here has been an increasing recognition of the dignity of women. Undeniably there is still far to go, but the trail has been blazed.").

33. The Nineteenth Amendment, extending the right to vote to women, was not ratified until August 18, 1920.

vival, or of receiving adequate education, nutrition, or health-care?<sup>34</sup>

For the elderly as well, this has been a century of great advancement, but also great fear. Medical breakthroughs have lengthened our lifespans,<sup>35</sup> and, indeed, many who greet our new century were also alive when the world bid our last century farewell.<sup>36</sup> Those same advances have made it possible to enjoy old age with new treatments for common ailments, improved nutrition, and greater independence. Many realize that the elderly "help us to see human affairs with greater wisdom, because life's vicissitudes have brought them knowledge and maturity. They are the guardians of our collective memory, and thus the privileged interpreters of that body of ideals and common

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34. *Statement of Prof. Glendon*, *supra* note 11, at 523, 526. See also *Message to Nafis Sadik*, *supra* note 25, at 195 ("It is a sad reflection on the human condition that still today, at the end of the twentieth century, it is necessary to affirm that every woman is equal in dignity to man, and a full member of the human family."); *id.* ("In much of the world, much still has to be done to meet the educational and health needs of girls and young women so that they may achieve their full potential in society."); Archbishop Renato Martino, *Interview Given to Vatican Radio* (Sept. 3, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 333 ("[M]ore than two-thirds of the 960 million illiterate adults in the world are women. Of the 130 million children in the world who are not enrolled in primary schools, 70 percent are girls."); *Press Conference*, *supra* note 15, at 402 ("There are 950 million illiterate people in the world, two-thirds of whom are women."); *National Report*, *supra* note 27, at 453 ("[T]he life of women remains more uncertain and more vulnerable than that of men. Too often women alone carry most of the responsibilities for the family, the education of the children, and the material side of daily life."); *id.* at 461 ("Violence towards women occurs on the physical, sexual, psychological and moral levels."); *id.* ("[I]t is the manipulation of women's image in the media and in the advertising industry which has profoundly harmful effects on behavior towards women."); *id.* ("It would be difficult to imagine anything more radically and directly opposed to the affirmation of the equality of men and women than the pornography trade. . . . [E]quality is solemnly proclaimed, while pornography is permitted or at least tolerated by public opinion and exploited by the media."); Archbishop Renato R. Martino, *Statement to the United Nations at the 39th Session of the Commission on the Status of Women on Preparation for the Fourth World Conference on Women* (March 16, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 493, 494 ("[T]he illiteracy rate among women continues to be unacceptably high, the number of women living in poverty is increasing, and many women must still fear death from childbirth and medically preventable and treatable diseases, because they are not provided with even simple medical assistance."). For sobering statistics on a different type of poverty affecting women around the world quite profoundly, see *Huge Traffic in Prostitutes to the West*, *DAILY TELEGRAPH* (London), July 13, 1999, at 4 (reporting United Nations finding that "trade in women was a \$7 billion business").

35. *Letter to the Elderly*, *supra* note 11 ("Nowadays, thanks to medical progress and improved social and economic conditions, life expectancy has increased significantly in many parts of the world.").

36. See United Nations, *Revisions of the World Population Estimates and Projects*, <http://www.popin.org/pop1998/>:

In 1998, 66 million persons in the world were aged 80 or over, that is about 1 of every 100 persons. This number is expected to increase almost 6 fold by 2050 to reach 370 million persons. In addition, in 1998, around 135 thousand persons in the world are estimated to be aged 100 or over. The number of centenarians is projected to increase 16-fold by 2050 to reach 2.2 million persons.

values which support and guide life."<sup>37</sup> And yet, the picture is not entirely a rosy one. The elderly of today face new challenges to their dignity as a fast-paced world grows to undervalue the wisdom of years,<sup>38</sup> and the ties that once kept families close are dissolving.<sup>39</sup> Just as the lives of the very young are vulnerable to threat, so too are the lives of the elderly and, particularly, the ill elderly<sup>40</sup> susceptible to lack of respect and protection.<sup>41</sup>

In the environmental arena, we have come to a greater appreciation of the sacredness of creation and the obligation to sustain our fragile planet for the generations that will come after us.<sup>42</sup> Much has been accomplished—largely, I am pleased to note, through the efforts of attorneys—to hold those who harm creation accountable, and to prevent such harm from occurring in the first place. Yet, the pace of progress still leaves the world full of environmental destruction, and scarce resources continue to be exploited on a scale that grows potentially greater as our technical capabilities increase.<sup>43</sup>

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37. *Letter to the Elderly*, *supra* note 11. See also *Evangelium Vitae*, *supra* note 15, at 167 ("The elderly . . . have a valuable contribution to make to the Gospel of life. Thanks to the rich treasury of experiences they have acquired through the years, the elderly can and must be sources of wisdom and witnesses of hope and love."); *Christifideles Laici*, *supra* note 28, at 141 ("The Bible delights in presenting the older person as the symbol of someone rich in wisdom and fear of the Lord").

38. See *Evangelium Vitae*, *supra* note 15, at 167 ("While in some cultures older people remain a part of the family with an important and active role, in others the elderly are regarded as a useless burden and are left to themselves.").

39. See *Letter to the Elderly*, *supra* note 11 (condemning "mentality which gives priority to immediate human usefulness and productivity" an attitude that "frequently leads to contempt for the later years of life, while older people themselves are led to wonder whether their lives are still worthwhile.").

40. See *Evangelium Vitae*, *supra* note 15, at 26 ("Threats which are no less serious hang over the incurably ill and the dying. In a social and cultural context which makes it more difficult to face and accept suffering, the temptation becomes all the greater to resolve the problem of suffering by eliminating it at its root, by hastening death . . ."); *id.* at 77 ("The word of God frequently repeats the call to show care and respect, above all where life is undermined by sickness and old age.").

41. Although the needs of the elderly have been a consistent source of concern for the Church, recent demographic trends have focused renewed attention in this area. See, e.g., Bishop James T. McHugh, *Intervention to the 26th Session of the United Nations Population Commission* (Feb. 28, 1991), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 263, 264 (noting that "perhaps there should be more emphasis on ageing."); *Statement of Archbishop Martino*, *supra* note 25, at 275 ("The blessings of modern medicine and of improved nutritional and environmental conditions have increased life expectancy, while at the same time have presented new challenges for the care of the elderly whose right to life and dignity must be upheld.").

42. See, e.g., *Letter to the Elderly*, *supra* note 11 ("Another important area of growth is the new ecological awareness which deserves encouragement.").

43. See, e.g., RATZINGER, *supra* note 10, at 231 ("W]e hear today the groaning of creation as no one has ever heard it before.").

On a worldwide level, there is an increased recognition of the fundamental and universal dignity of all humanity.<sup>44</sup> In fact, the Universal Declaration on Human Rights was passed with widespread optimism in 1948, boldly articulating the shared dignity of all. And yet, these rights are not enjoyed all the world over. Instead, it has been noted that in our century more than any other, "[t]he gap between most of the richest countries and the poorest ones is not diminishing or being stabilized, but is increasing more and more to the detriment, obviously, of the poor countries."<sup>45</sup> In fact, it is startling to note that "[t]he 200 richest people in the world have more than the combined income of the lowest 40 per cent of the world's population."<sup>46</sup>

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44. See *Sollicitudo Rei Socialis*, *supra* note 3, at 410 (noting the "positive aspect" of "the full awareness among large numbers of men and women of their own dignity and of that of every human being."); *id.* (acknowledging with approval the 1948 Universal Declaration of Human Rights); *Letter to the Elderly*, *supra* note 11 ("There has been a growing consciousness, albeit amid numerous inconsistencies, especially where respect for the life of each human person is concerned—of universal human rights, proclaimed in solemn and binding international declarations."); *Evangelium Vitae*, *supra* note 15, at 31 (praising "various declarations of human rights and the many initiatives inspired by these declarations.").

45. *Laborem Excernis*, *supra* note 11, at 375. See also *Sollicitudo Rei Socialis*, *supra* note 3, at 402:

[W]e can understand the current usage which speaks of different worlds within our one world: the First World, the Second World, the Third World, and at times the Fourth World. Such expressions, which obviously do not claim to classify exhaustively all countries are significant: they are a sign of a widespread sense that the unity of the world, that is, the unity of the human race, is seriously compromised.

See also *id.* at 413 (observing that on an individual level as well as an international one, "the ones who possess much are relatively few, and those who possess almost nothing are many"); *Statement of Cardinal Sodano*, *supra* note 23, at 115, 115-16 ("The increasing, morally unacceptable and unjust gap between the North of our world, which is growing ever richer, and the South, which is growing ever poorer, is obvious."); *Message to Nafis Sadik*, *supra* note 25, at 191 (noting that "the gap between the rich and the poor of the world continues to widen, a situation which poses an ever increasing threat to the peace for which mankind longs."); *DEBT FORGIVENESS*, *supra* note 7, at 4 ("[D]espite the weakening of old animosities and the creation of new alliances, the divide between the wealthy and poor nations is deepening. This divide is based less on conflicting ideologies than on radically different living standards that threaten to relegate the most impoverished nations to a permanent underclass status."); William McGurn, *Essay on Sollicitudo Rei Socialis*, in *ESSAYS*, *supra* note 1, at 163, 165 (lamenting the "crude division between a North that knows how to make money but whose soul has been suffocated and a South whose people lack even the most fundamental bodily essentials but are strong in spirit"); and William J. Byron, S.J., *The Future of Catholic Social Thought*, 42 CATH. U. L. REV. 557, 562 (1993) ("Gaps between rich and poor around the world and around the corner cry out for remedy."). The question of debt forgiveness is also receiving much attention in the secular arena as well. See, e.g., John Burgess, *Clinton Pledges to Forgive Poor Nations' Debt*, WASH. POST, Sept. 30, 1999 at A18.

46. Philip Johnston, *Britain Leapfrogs France to Enter the World Top 10 for Quality of Life*, DAILY TELEGRAPH (London), July 13, 1999 at 4 (quoting Dr. Richard Jolly). See also *id.* (Noting that "the top 20 per cent of the world's population earned 74 times as much as the bottom 20 percent" and "[t]he world's three richest billionaires have a combined wealth greater than 600

Torn between optimism<sup>47</sup> and apprehension<sup>48</sup> then, we face the challenge of building social justice in our world. The world, after all, has been called "the theatre of man's history, [carrying] the marks of his energies, his tragedies, and his triumphs."<sup>49</sup> In this world of tragedy and triumph we are called to build a just future. I would like to spend the rest of our time together identifying a set of five basic principles of social justice that can inform our judgments and our action as we tackle the more specific—and, therefore, harder—issues of social concern.

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million of the poorest people on the planet."'). Others have also commented on the growing gap between classes. See, e.g., Joe Holland, *From Industrial Revolution to Electronic Revolution: The Postmodern Challenge to Catholic Social Thought in the Catholic University* <<http://www.stthomas.edu/cathstudies/cstm/antwerp/p23.html>> (describing "a radical polarization between, on one side an affluent knowledge elite and on the other side a poor aggregate made up of a small and disposable working class, a large personal service class, and still larger unemployed or under-employed underclass."').

47. *Letter to the Elderly*, *supra* note 11 ("[W]e cannot forget that our century has also seen the appearance of many positive signs which represent so many sources of hope for the Third Millennium."').

48. See *Laborem Exercens*, *supra* note 11, at 362:

On the world level, the development of civilization and of communications has made possible a more complete diagnosis of the living and working conditions of man globally, but it has also revealed other forms of injustice much more extensive than those which in the last century stimulated unity between workers for particular solidarity in the working world.

See also *Recommendations Submitted by the Holy See Regarding the World Conference on Human Rights* (August 22, 1991) [hereinafter *Recommendations by the Holy See Regarding Human Rights*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 139 (observing that "much still remains to be done for human rights to be effectively recognized and respected throughout the world."); *Mater et Magistra*, *supra* note 2, at 126 ("[T]he times in which we live are torn by increasingly serious errors, and are troubled by violent disturbances."). Similarly serious observations can be found in *Gaudium et Spes*, *supra* note 2, at 219 (declaring that "the whole human family has reached an hour of supreme crisis in its advance toward maturity."); *id.* at 221 (mourning a "melancholy state of humanity"); Synod of Bishops, *Justice in the World* (1971) [hereinafter *Justice in the World*], reprinted in *CATHOLIC SOCIAL THOUGHT*, *supra* note 6, at 288 (lamenting "serious injustices which are building around the world of men a network of domination, oppression, and abuses which stifles freedom and which keeps the greater part of humanity from sharing in the building up and enjoyment of a more just and more fraternal world."); *Sollicitudo Rei Socialis*, *supra* note 3, at 402 (describing various facets of underdevelopment); and Archbishop Jean-Louis Tauran, *Intervention at the World Conference on Human Rights* (June 21, 1993), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 152 (lamenting "the frightening presence of injustice, destruction, and death, which torment our world today. Too many people do not yet enjoy freedom of conscience and speech. Religious freedom is far from being a reality everywhere. Underdevelopment, social injustice, dictatorships of all kinds still prevent millions of women and men from being partners in the social project of which they are a part."').

49. *Gaudium et Spes*, *supra* note 2, at 166. Similarly, it has been noted that it is "[w]ithin the dimension of time [that] the world was created; within it the history of salvation unfolds." *Tertio Millennio Adveniente*, *supra* note 5, at 16.

## II. THE FUTURE OF SOCIAL JUSTICE

Catholic social thought has, through the years, developed an extensive body of social doctrine aimed, in different ways, at offering a vision of a just society. Thus, my set of five underlying principles is derived from this tradition. This tradition reflects the truth that "[w]e are faithful to God when we are faithful to the demands of our social relationships."<sup>50</sup> Interestingly, these principles of a social vision do not easily lend themselves to partisan classification. Neither "liberal" nor "conservative" in our political parlance,<sup>51</sup> these principles were developed as a way of identifying core principles and values whose validity would not and should not depend on the political system or legal regime in which particular people find themselves.

Instead, recognizing that "the earthly and the heavenly city penetrate each other,"<sup>52</sup> the Catholic social tradition is "a mix of biblical, theological, and philosophical elements which are brought to bear upon the concrete problems of the day."<sup>53</sup> Although there is not time

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50. Roger Cardinal Mahony, *A Pastoral Statement on Catholic Social Teaching and Affirmative Action*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 79, 81 (1997).

51. The difficulty of pinning a "political" label on the Church's vision has often been commented on. See, e.g., Gustav Niebuhr, *No Easy Labeling*, N.Y. TIMES, Nov. 19, 1999 at A22 (describing paradox of "apparent differences in directions."). See also Arthur F. McGovern, S.J., *Entitlements and Catholic Social Teachings*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 445, 446 (1997) ("Catholic social teachings do not easily translate into clear doctrinal imperatives."); Michael J. Nader, *Towards Reconciliation and Consensus: Catholic Social Thought and Entitlements*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 419, 421 (1997) ("[W]hile Catholic social thought provides moral guidance on welfare policy, it allows a wide range of prudential judgments on its application to the practical, particular and diverse problems of distributive justice. It is not a political or economic doctrine or an alternative to capitalism or socialism.").

52. *Gaudium et Spes*, *supra* note 2, at 189; see also *id.* at 196 (describing Christians as "citizens of two cities"); *id.* at 203 ("Christians, on pilgrimage toward the heavenly city, should seek and savor the things which are above. This duty in no way decreases, but rather increases, the weight of their obligation to work with all men in constructing a more human world."); *id.* at 218 ("[M]an is not restricted to the temporal sphere. While living in history he fully maintains his eternal vocation."); *Statement of Cardinal Sodano*, *supra* note 23, at 369 ("It is known to all that the mission of the Catholic Church is specifically religious. Even so, she does not neglect but resolutely faces the concrete situations in which men and women live in our world, above all situations which harm their transcendent dignity."); Pope John Paul II, *Address to the Diplomatic Corps Accredited to the Holy See* (Jan 9, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 693, 694 (noting the "morality of service to the earthly city"); Richard John Neuhaus, *Foreword*, in *ESSAYS*, *supra* note 1, at ix, xi ("[O]urs is a single loyalty, a loyalty to God and His promised rule. Our understanding of His working out His rule through time involves the command that we be responsible for the world that participates in His rule in the making."); Thomas C. Kohler, *Essay on Quadregesimo Anno*, in *ESSAYS*, *supra* note 1, at 36 ("The temporal and spiritual have a mutually conditioning effect on the person."); and *Mater et Magistra*, *supra* note 2, at 119 ("[N]o folly seems more characteristic of our time than the desire to establish a firm and meaningful temporal order, but without God, its necessary foundation.").

53. U.S. Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* (1983) [hereinafter *The Challenge of Peace*], reprinted in *CATHOLIC SOCIAL THOUGHT*, *supra* note 2, at 492, 495. See also U.S. CATHOLIC CONFERENCE, *SHARING CATHOLIC SOCIAL TEACHING*:



today to explore the historical development of Catholic social thought in lengthy detail, a few words of background are in order. For centuries the Church has articulated a "prophetic and responsible"<sup>54</sup> social vision, based on scriptural and theological insights<sup>55</sup> as well as the experience of the Church in providing concrete social services to meet the temporal needs of the world.<sup>56</sup> However, what is commonly

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CHALLENGES AND DIRECTIONS [hereinafter SHARING CATHOLIC SOCIAL TEACHING] 1 (1998) ("Catholic Social Teaching is a central and essential element of our faith. Its roots are in the Hebrew prophets who announced God's special love for the poor and called God's people to a covenant of love and justice."); *id.* at 4 ("The Church's social teaching is a rich treasure of wisdom about building a just society and living lives of holiness amidst the challenges of modern society."); William Murphy, *Essay on Rerum Novarum*, in *ESSAYS*, *supra* note 1, at 1 ("Social doctrine has been a constant element of the Church's life from the beginning; it is a logical application of Catholic philosophical and theological thought to the questions of person and society."); and HENRIOT ET AL., *supra* note 1, at 20 ("Scripture has become the new touchstone for Catholic social teaching. Pope John Paul II has used scriptures in his encyclicals more extensively than any of his predecessors.").

54. Veryl Victoria Miles, *Assessing Modern Bankruptcy Law: An Example of Justice*, 36 SANTA CLARA L. REV. 1025, 1030 (1996).

55. SCHUCK, *supra* note 1, at 134 ("Encyclical solutions to humanity's social problems are a blend of theological and social insights.").

56. See, e.g., *Rerum Novarum*, *supra* note 2, at 25 ("The Church has stirred up everywhere the heroism of charity, and has established congregations of religious and many other useful institutions for help and mercy so that there might be hardly any kind of suffering which was not visited and relieved."); Pope John Paul II, *Message to Javier Perez de Cuellar on the Occasion of the World Summit for Children* (Sept. 22, 1990), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 47, 48 (noting "the Catholic Church's bi-millenary tradition of service to those in material or spiritual need, especially the weaker members of the human family"); *Initial Report on the Rights of the Child*, *supra* note 27, at 76, 89 (describing "the scope of the Church's activities on behalf of children's health, which are conducted largely through a network of 21,757 health institutions, mainly in developing countries . . . The Church provides special care for children and mothers in 5,000 hospitals and 14,000 clinics."); Msgr. Diarmuid Martin, *Report at the Special Assembly for Africa of the Synod of Bishops on the Work of the Third Session of the Preparatory Committee for the International Conference on Population and Development* (Apr. 28, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 291, 293 (noting that in Africa "the Church is in fact a major—in some cases the only—supplier of health care services, especially at grass roots level and among the poor."); Dr. Joaquin Navarro-Valls, *Briefing in View of the International Conference in Cairo on Population and Development* (August 31, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 306 (describing the Catholic Church's "21,757 worldwide health institutions, 1,800 of which are found in Africa alone."); Archbishop Renato R. Martino, *Statement to the International Conference on Population and Development* (Sept. 7, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 311, 312 ("Throughout the world, also in countries with only a minority Catholic population, tens of thousands of hospitals, clinics, dispensaries, as well as other facilities for mother and child health and the care of the elderly, are run by the Catholic Church or funded by Catholic donors."); *Press Release Issued by the Delegation of the Holy See During the International Conference on Population and Development* (Sept. 5, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 339 ("The Catholic Church, through its almost one-hundred thousand health and medical facilities, runs the most extensive network of health services for people around the world, especially in poor and remote areas."); *Press Release Issued by Delegation of the Holy See to the International Conference on Population and Development* (Sept. 6, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 341 ("The Catholic Church has an extensive network of health services in the world with

referred to as the origin of modern Catholic social thought was the publication of the encyclical *Rerum Novarum* ("Of New Things") by Pope Leo XII on May 15, 1891.<sup>57</sup> This encyclical, focusing primarily on labor and economic issues, marked the debut of the modern papacy into the realm of social commentary.

Since then, many other encyclicals have followed, dealing with diverse social justice questions as they arise. These papal encyclicals

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almost 100,000 facilities, large and small."); *Statement of Dr. Joaquin Navarro-Valls*, *supra* note 16, at 395 ("The Catholic Church has established and directs 170,433 educational institutions scattered throughout the world. . . . In 1993, the number of students in these educational institutions amounted to 43,322,828. In the area of education and health care assistance, the Catholic Church directs 100,231 institutions all over the world."); Nader, *supra* note 51, at 421 ("[T]he Catholic Church in the United States runs the largest private education, social service, and nonprofit health care systems in the country"); Msgr. Candidio Rubiolo, *Statement at the Sixth Regional Conference on the Integration of Women in the Economic and Social Development of Latin America and the Caribbean* (Sept. 25-29, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 475, 477 ("Even in countries where Catholics are in the minority, there are thousands of Catholic hospitals, clinics, dispensaries as well as other kinds of institutional structures."); *Statement of Prof. Glendon*, *supra* note 11, at 526 (describing the Catholic Church as "a pioneer and a leader in providing education to girls in both developed and developing countries, and often in areas and cultures where few groups were willing to provide equal educational opportunities to both girls and boys."); *Transcript: Welfare Reform and the Catholic Church: A "Round Table" Discussion*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 691, 692 (1997) ("[T]he Catholic Church, perhaps more than any other single entity in our society, is an active participant in social services."); *id.* at 696 ("From one Church you now have the largest private education system in the country, the largest private social service agency in the country, and the largest private nonprofit health care system in the country"); Alfonso Cardinal Lopez Trujillo, *Report to the Twenty Seventh General Congregation of the Synod of Bishops on the Year of the Family and the Cairo Conference* (Oct. 28, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 768, 778 ("It is important to recall how much the Church does through her network of schools, health and social services for women's promotion. . . . It is important to recall what the Church is doing and has done for generations by now in the developing countries for the sake of entire peoples, without any discrimination or personal interest."); *World Hunger*, *supra* note 6, at 875 ("Throughout the centuries, the Church has given many concrete expressions of this divine care. The history of the Church can be written as a history of love and charity towards the poorest of the poor."); *Health and Health Care: A Pastoral Letter of the American Catholic Bishops* (Nov. 1981) at 6 ("Led by religious congregations of women, the Church was a pioneer in the development of health care services in America."); RATZINGER, *supra* note 10, at 219 (noting "it was Christianity that first gave rise to an organized care for the sick and weak and a whole organization of love. Christianity was also responsible for the growth of respect for all men in all stations of life."); and F. Giba-Matthews, OFM, *A Catholic Lawyer and The Church's Social Teachings*, 66 FORD. L. REV. 1541, 1549 (1998) ("In the 1800's, Catholic organizations were among the most active opponents of child labor laws because Catholics viewed these laws as both a threat to parochial education and an encroachment of state power on parental rights.").

57. *Rerum Novarum* has enjoyed much acclaim as "the Magna Charta on which all Christian activities in social matters are ultimately based." Pope Pius XI, *Quadragesimo Anno* (May 15, 1931) [hereinafter *Quadragesimo Anno*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 50. See also *Mater et Magistra*, *supra* note 2, at 88 (describing *Rerum Novarum* as "the Magna Charta for the reconstruction of the economic and social order."); HENRIOT ET AL., *supra* note 1, at 7 (calling *Rerum Novarum* "the Magna Carta for a humane economic and social order"). Alternatively, the document has been called "the flagship of Catholic social doctrine." See Murphy, *supra* note 53, at 23.

are supplemented by pastoral letters and other proclamations on more local levels by bishops' conferences and synods. Although Catholic social thought is all too often a "well-kept secret,"<sup>58</sup> it has nevertheless grown in scope to address a number of important questions and to contribute to the discussion of many issues over the course of the past 108 years. However, there is no contribution from Catholic social thought as great as its articulation of a vision of social justice. Although this vision contains many concepts, themes, and ideas, I focus on five principles that must be part of the future of social justice. These principles are:

1. Renewed recognition of the innate dignity that belongs to each;
2. Greater appreciation of a core set of universal human rights;
3. Commitment to solidarity, with particular preference for the poor;
4. Wise application of the principle of subsidiarity; and
5. Personal commitment to sacrificial charity.

By careful reflection on these five goals we can follow in the tradition of the ancients who used their years of jubilation to target their most serious social concerns.

### A. Dignity

The first goal for our jubilee should be a renewed understanding of and appreciation for the innate dignity of the human person. Pope John Paul II has himself declared that today, "[t]he sense of the dignity of the human person must be pondered and reaffirmed in stronger terms."<sup>59</sup> The recognition of such dignity is the central unifying principle of Catholic social thought, and from this flows all other aspects of Catholic social justice theory. This is based on the understanding

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58. See, e.g., SHARING CATHOLIC SOCIAL TEACHING, *supra* note 53, at 3 ("[O]ur social heritage is unknown by many Catholics."); *id.* ("[F]ar too many Catholics are not familiar with the basic content of Catholic social teaching. More fundamentally, many Catholics do not adequately understand that the social teaching of the Church is an essential part of Catholic faith."); A CENTURY OF SOCIAL TEACHING, *supra* note 11, at 3 (1998) ("For too many, Catholic social teaching is still an unknown resource. It is sometimes misunderstood as a peripheral aspect rather than as an integral and constitutive element of our faith."); HENRIOT ET AL., *supra* note 1, at 3 ("The best kept secret in the Roman Catholic Church in the United States! That is how the Church's social teaching has frequently been described."); and *id.* ("Catholic social teaching still remains outside the mainstream of ordinary parish life.").

59. *Christifideles Laici*, *supra* note 28, at 15.

that "the human person is the clearest reflection of God's presence in the world; all of the Church's work in pursuit of both justice and peace is designed to protect and promote the dignity of every person."<sup>60</sup>

I was pleased to read that this core principle was noted in the mission statement for this university. Seattle University has declared, "The most fundamental of the values of this vision is the nobility of the human person, understood as a free and intelligent human being with a transcendent dignity."<sup>61</sup> What a beautiful statement of the

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60. *The Challenge of Peace*, *supra* note 53, at 495. The fundamental importance of human dignity and its central place in Catholic social teaching is frequently reiterated. See, e.g., *id.* at 553 ("No society can live in peace with itself or with the world, without a full awareness of the worth and dignity of every human person, and of the sacredness of all human life."); *Evangelium Vitae*, *supra* note 15, at 61 ("Man has been given a sublime dignity, based on the intimate bond which unites him to his Creator: in man there shines faith, a reflection of God himself."); *Memorandum on the Holy See's Position on Environment and Development* [hereinafter *Holy See's Position on Environment and Development*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 111 ("The basic principles that should guide our considerations of environmental issues are the integrity of all creation and respect for life and the dignity of the human person."); Pope John Paul II, *Address Before the Angelus* (Feb. 26, 1996), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 365 ("The human person and his dignity must always be at the centre of every development endeavor, especially wherever societies and nations are planning their futures."); Archbishop Renato R. Martino, *Statement to the United Nations Before the Third Committee of the 49th Session of the General Assembly on Item 97: Advancement of Women* (Dec. 5, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 487 ("Peace in any and all aspects of society requires recognition of the equal dignity of every human person, including that of women to men."); *SHARING CATHOLIC SOCIAL TEACHING*, *supra* note 53, at 1 ("Catholic social teaching is based on and inseparable from our understanding of human life and human dignity."); *id.* at 4 (noting that "the dignity of the human person is the foundation of a moral vision for society."); *FOOD POLICY*, *supra* note 19, at 6 ("[A]t the core of Catholic social teaching is the sacredness of the human person."); *DEBT FORGIVENESS*, *supra* note 7, at 9 ("The foundation of our moral concern lies in a fundamental respect for the life and dignity of every human person."); *CAMPAIGN FOR HUMAN DEVELOPMENT: SHARING THE TRADITION, SHAPING THE FUTURE* 17 (1991) ("[R]eligious and social norms are to enhance the life and dignity of the human person. Practices and structures that dehumanize are not from God, but are the creation of humanity."); *A CENTURY OF SOCIAL TEACHING*, *supra* note 11, at 4 ("In the Catholic social vision, the human person is central, the clearest reflection of God among us."); James Finn, *Essay on Octogesima Adveniens*, in *ESSAYS*, *supra* note 1, at 144 ("[E]very individual in a society is to be treated with dignity and is to be recognized as possessing certain inalienable rights that are not to be violated."); Leonid Kishkovsky, *An Ecumenical Afterword*, in *ESSAYS*, *supra* note 1, at 177, 178 (noting "centrality of the theme of human dignity"); *id.* at 179 ("To a sympathetic ecumenical observer, in this case an Orthodox priest, what is important about the papal social encyclicals in their cumulative effect is their return, again and again, to the theme of human dignity."); *HENRIOT ET AL.*, *supra* note 1, at 22 ("Made in the image of God, women and men have a preeminent place in the social order. Human dignity can be recognized and protected only in community with others."); William R. O'Neill, S.J., *Commonweal or Woe? The Ethics of Welfare Reform*, 11 *NOTRE DAME J.L., ETHICS & PUB. POL'Y* 487, 498 (1997) ("[T]he essential dignity of persons in solidarity remains the font of Roman Catholic social ethics."); *Christifideles Laici*, *supra* note 28, at 105 ("To rediscover and make others rediscover the inviolable dignity of every human person makes up an essential task, in a certain sense, the central and unifying task of the service which the Church, and the lay faithful in her, are called to render to the human family"); *id.* ("the dignity of the person is the most precious possession of an individual.");

61. Seattle University Mission Statement (June 10, 1999) <http://www.seattleu.edu/>

innate value and worth of the person to call a person such wondrous things as "noble" and "free" and "intelligent" and "transcendent"!

And yet, all too often in our world, this is not the image of the person that is universally shared. True, it is recognized that *some* have dignity, and many do enjoy proper dignity and respect. But, all too often, the "tides of opinion"<sup>62</sup> call into question the dignity of all. For true social justice to be achieved, there must first be a recognition of an innate dignity that is universal.<sup>63</sup> Thus, as we mark our jubilee, the future of social justice must begin with a recognition of those whose dignity is not fully respected. We must come to understand the reasons for this—complex, painful, and long-standing as they may be—and take steps to restore dignity to those most vulnerable and overlooked in the world today. Until it is understood that there is a dignity inherent in being human, it will be impossible to achieve any real progress toward real social justice. But, with this understanding, continued injustice will become far more difficult to tolerate or ignore.

### B. Fundamental Rights and Reciprocal Duties

Closely linked to dignity is the basic need for recognition of a set of fundamental human rights.<sup>64</sup> Indeed, although I treat this as the

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mission.

62. *Gaudium et Spes*, *supra* note 2, at 190.

63. See *id.* at 183 ("[W]ith respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language, or religion, is to be overcome and eradicated as contrary to God's intent."); *id.* at 220 ("A firm determination to respect other men and peoples and their dignity, as well as the studied practice of brotherhood, are absolutely necessary for the establishment of peace."); *Holy See's Position on Environment and Development*, *supra* note 60, at 111 (stressing the importance of "promotion of the dignity and the rights of all persons without distinction"); *Recommendations by the Holy See Regarding Human Rights*, *supra* note 48, at 141 (reiterating "the unquestionable truth that all human beings are the same in nature."); Roger Cardinal Etchegaray, *Intervention Given at a Panel During the World Conference on Human Rights* (June 17, 1993) ("There is a truth about the human person, transcending circumstances of time and place, which demands that absolute respect be accorded to the human person."); Archbishop Jean-Louis Tauran, *Statement Before the Third Committee of the 48th Session of the General Assembly on Item 114: Human Rights Questions* (Nov. 17, 1993) [hereinafter *Statement of Archbishop Tauran*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 156 ("[F]undamental rights of the human person are indivisible and universal. An indivisibility and a universality which can be understood only through the unity of human nature and the equality of human persons, whose rights and liberties are based on their dignity."); Pope John Paul II, *Address Before the Angelus* (March 5, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 366 ("Every human being has an equal dignity."); Kishkovsky, *supra* note 60, at 179 ("[T]he theme of human dignity has a universal appeal that transcends Christian particularity and can speak to and for every human being everywhere."); Neuhaus, *supra* note 52, at xvii ("The Church is the conscience of society when questions are raised that are fundamental to human society.").

64. Pope John Paul II, *Message to Gertrude Mongella* (May 26, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 419, 420 ("[T]he recognition of the dignity of every human being is the foundation and support of the concept of universal human rights. For

second of the five cornerstones for true justice, I believe that some reflection will demonstrate how inextricably intertwined are the twin issues of dignity and human rights.<sup>65</sup> Through the years, various legal regimes have granted their citizens legal rights, and these advances and protections are to be applauded. Problematically, however, these rights have been presented as being dependent on the state. That is, all too often we use the language of rights incorrectly and speak of rights "granted" by states or "given" to citizens.

While it is true that the state should protect basic human rights by law,<sup>66</sup> the social justice vision articulated in Catholic social thought warns against viewing these rights as dependent on the civil state.<sup>67</sup> If

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believers, that dignity and the rights that stem from it are solidly grounded in the truth of the human being's creation in the image and likeness of God."); SHARING CATHOLIC SOCIAL TEACHING, *supra* note 53, at 22 ("Catholic social teaching is rooted in our understanding of human life and human dignity."); *id.* at 23 ("Because we believe in the inherent value and dignity of every human life, we believe the test of every institution or policy is whether it enhances or threatens human life and dignity.").

65. For a similar sentiment, see, e.g., *Christifideles Laici*, *supra* note 28, at 106 ("The dignity of the person constitutes the foundation of the equality of all people among themselves.").

66. Archbishop Renato R. Martino, *Introduction to the World Summit for Children* (Sept. 1990), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 43, 45 ("Laws are, by their very nature, expressions of what an individual society considers to be the minimum standards of acceptable behavior and the Holy See again emphasizes . . . that the attainment of such minimum standards is laudable."); *Recommendations by the Holy See Regarding Human Rights*, *supra* note 48, at 141 ("The State . . . has a duty to promote and defend the full exercise of and effective respect for human rights."); *Intervention of the Holy See Delegation at the Regional Meeting (Latin America and the Caribbean) in Preparation for the World Conference on Human Rights* (January 20, 1993) [hereinafter *Intervention of the Holy See in Preparation for the World Conference on Human Rights*], reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 144 ("States . . . are to protect and develop [fundamental rights] because they belong to the very nature of man."); Pope John Paul II, *Address Before the Angelus* (Aug. 7, 1994), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 215, 216 ("The State has the task of guaranteeing and fostering respect for the life of each human being in every possible way."); *Rerum Novarum*, *supra* note 2, at 26 ("Among the many and grave duties of rulers who would do their best for their people, the first and chief is to act with strict justice—with that justice which is called in the schools distributive—toward each and every class."); *Gaudium et Spes*, *supra* note 2, at 217 ("Let the rights of all persons, families, and associations, along with the exercise of those rights, be recognized, honored, and fostered."); *Laborem Exercens*, *supra* note 11, at 374 ("Respect for this broad range of human rights constitutes the fundamental condition for peace in the modern world: peace both within individual countries and societies and in international relations.").

67. *Rerum Novarum*, *supra* note 2, at 14, 16 ("Man is older than the State, and he holds the right of providing for the life of his body prior to the formation of any state."); Pope John XXIII, *Pacem in Terris* (April 11, 1963) [hereinafter *Pacem in Terris*], reprinted in *CATHOLIC SOCIAL THOUGHT*, *supra* note 2, at 143 ("[T]he first requisite is that a charter of fundamental human rights be drawn up in clear and precise terms that it be incorporated in its entirety in the constitution."); *Recommendations by the Holy See Regarding Human Rights*, *supra* note 66, at 140 ("[T]he state is not required to grant any 'recognition' of [human] rights, because they must necessarily derive from the dignity that is inherent in every human being."); *Intervention of the Holy See in Preparation for the World Conference on Human Rights*, *supra* note 66, at 144 (asserting that there are "rights which are constitutional" to humanity and states "do not grant these rights"); *Statement of Archbishop Tauran*, *supra* note 63, at 157 ("The rights of man and his fundamental

basic human rights are mistakenly viewed as gifts of beneficent states, then it follows that a state also has the right to revoke these rights where convenient, efficient, or politically expedient. In contrast, what is needed is a view of fundamental rights that divorces rights from any notion that they are granted by human authority. To achieve real social justice, it is necessary to come to the view that there are certain rights that are inherent in the very nature of being human<sup>68</sup> and that the state has no authority to revoke or compromise.

Catholic social thought has, through the years, articulated a comprehensive vision of fundamental human rights. Interestingly, unlike many lists of rights proposed by governments, this list includes not only "negative" rights to freedom *from* harms, but also the more "positive" rights *to* affirmative goods. The most extensive statement of these rights can be found in Pope John XXIII's 1963 encyclical, "*Pacem in Terris*" ("*Peace on Earth*"). In this list—an except of which I will share—the mix of positive and negative rights is quite evident. It is boldly declared:

[E]very man has the right to life, to bodily integrity, and to the means which are suitable for the proper development of life . . . Food, clothing, shelter, rest, medical care, and . . . necessary social services. . . . [A] human being also has the right to security in cases of sickness, inability to work, widowhood, old age, unemployment, or in any other case in which he is deprived of the means of subsistence through no fault of his own.

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freedoms are not granted by anyone. They precede the positive law which is their expression."); *Briefing of Dr. Navarro-Valls*, *supra* note 31, at 517 ("Human rights are not 'concessions' of the State, for the simple fact that they are based in the very structure of the human being, and they are antecedent to every social and political organization."); SHARING CATHOLIC SOCIAL THOUGHT, *supra* note 53, at 24 ("Each person, reflecting their God-given dignity, has basic rights and responsibilities that flow from our human nature and belong to us as humans regardless of any social or political structures."); George Weigel, *Essay on Pacem in Terris*, in *ESSAYS*, *supra* note 1, at 61, 63 ("Human rights', properly understood, were not benefices granted by government. On the contrary, the legitimacy of government was determined in part by a government's recognition that it was accountable to norms that transcended (and stood in judgment on) its own sovereign will."); Kishkovsky, *supra* note 60, at 181 ("The dignity of human beings is not a matter of human pride; it cannot be a matter of human arrogance. The dignity of human persons and of humanity is rooted in the creation of humanity according to the image and likeness of God."); McGovern, *supra* note 51, at 447 ("The Catholic tradition, while also insisting that rights belong to individuals prior to the state, stresses human dignity as the basis of rights.").

68. See Kenneth R. Himes, O.F.M., *Rights of Entitlement: A Roman Catholic Perspective*, 11 NOTRE DAME J.L., ETHICS & PUB. POL'Y 507, 521 (1997) ("If a right is a human right, it must be a right which extends to all persons; it cannot be limited to some group or class of persons. . . . About this there is not much debate; the subject of a human right is any and all human beings.").

By the natural law every human being has the right to respect for his person, to his good reputation; the right to freedom in searching for the truth and in expressing and communicating his opinions, and in pursuit of art, within the limits laid down by the moral order and the common good; and he has the right to be informed truthfully about public events.

The natural law also gives man the right to share in the benefits of culture, and therefore . . . a basic education . . . Every effort should be made to ensure that persons be enabled, on the basis of merit, to go on to higher studies. . . .

This, too, must be listed among the rights of a human being, to honor God according to the sincere dictates of his own conscience, and therefore the right to practice his religion privately and publicly. . . .

Human beings have the right to choose freely the state of life which they prefer, and thereby the right to set up a family, with equal rights and duties for man and woman, and also the right to follow a vocation to the priesthood or the religious life. . . .

[M]ost careful provision must be made for the family both in economic and social matters as well as in those which are of a cultural and moral nature, all of which look to the strengthening of the family . . .

[M]an has a right by the natural law to go about his work without coercion. To these rights is certainly joined the right to demand working conditions in which physical health is not endangered, morals are safeguarded, and young people's moral development is not impaired. . . . From the dignity of the human person, there also arises the right to carry on economic activities according to the degree of responsibility of which one is capable. Furthermore . . . the worker has a right to a wage determined according to criteria of justice, and sufficient . . . to give the worker and his family a standard of living in keeping with the dignity of the human person. . . .

The right to private property, even of productive goods, also derives from the nature of man. . . .

From the fact that human beings are by nature social, there arises the right of assembly and association. . . .



Every human has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there. . . .

The dignity of the human person involves the right to take an active part in public affairs and to contribute one's part to the common good of the citizens. . . .

The human person is also entitled to a juridical protection of his rights, a protection that should be efficacious, impartial, and inspired by the true norms of justice.<sup>69</sup>

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69. *Pacem in Terris*, *supra* note 67, at 131, 132-35. See also *Rerum Novarum*, *supra* note 2, at 28, chronicling the basic interests in ensuring

that peace and good order should be maintained; that family life should be carried on in accordance with God's laws and those of nature; that religion should be revered and obeyed; that a high standard of morality should prevail in public and private life; that the sanctity of justice should be respected, and that no one should injure another with impunity; that the members of the commonwealth should grow up to man's estate strong and robust, and capable, if need be, of guarding and defending their country.

A similar statement of fundamental human rights can be found in *Gaudium et Spes*, *supra* note 2, at 181:

[T]here must be made available to all men everything necessary for leading a life truly human, such as food, clothing, and shelter; the right to choose a state of life freely and to found a family; the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norm of one's own conscience, to protection of privacy, and to rightful freedom in matters religious too.

See also *id.* at 182:

[W]hatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where men are treated as mere tools for profit, rather than as free and responsible persons, all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than to those who suffer from the injury.

See also *Message to Nafis Sadik*, *supra* note 25, at 192:

[T]he Holy See seeks to focus attention on certain basic truths: that each and every person—regardless of age, sex, religion, or national background—has a dignity and worth that is unconditional and unalienable; that human life itself from conception to natural death is sacred; that human rights are innate and transcend any constitutional order; and that the fundamental unity of the human race demands that everyone be committed to building a community which is free from injustice and which strives to promote and protect the common good. . . . No goal or policy will bring positive results for people if it does not respect the unique dignity and objective needs of those same people.

A more succinct statement of such basic rights is found in *Christifideles Laici*, *supra* note 28, at 14-15; making

This extensive set of rights—always beginning with life itself<sup>70</sup> and continuing with the ingredients for a dignified life—is an ambitious one, far more extensive than those found in most national constitutions. It is also far broader than the “lowest common denominator” declarations of rights that result from attempts to create a vision of human rights by compromise or political negotiation. As we consider and plan for the future of social justice, it is time to take a long, hard look at this list of rights and see how far our society has come to recognizing and advancing these rights in all, regardless of the outward distinctions among us.

Interestingly, some direction in how to accomplish this ambitious goal can be found in the same documents that propose these fundamental rights themselves. In those documents, along with a list of rights to be recognized there is also proposed a corresponding set of duties which bind those who would promote justice. These duties fall in symmetry with the rights.<sup>71</sup> So, for example, “the right of every man to life is correlative with the duty to preserve it; his right to a decent standard of living with the duty of living it becomingly; and his right to investigate the truth freely, with the duty of seeking it ever more completely and profoundly.”<sup>72</sup> So, as we move forward in ensuring the guarantees of fundamental human rights to others, we should

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[T]he right to life and to integrity, the right to a house and to work, the right to a family and responsible parenthood, the right to participation in public and political life, the right to freedom of conscience and the practice of religion.

70. Catholic tradition has long placed the right to life first as the fundamental human right on which all others rest. See, e.g., *Briefing by Dr. Navarro-Valls*, *supra* note 31, at 520 (“The human right to life is a fundamental human right: all others stem from it. Human life deserves respect in any circumstances.”); *Evangelium Vitae*, *supra* note 15, at 70 (“The commandment regarding the inviolability of human life reverberates at the heart of the ‘ten words’ in the covenant of Sinai.”); *Christifideles Laici*, *supra* note 28, at 108 (calling right to life “the most basic and fundamental right and the condition for all other personal rights”). CAMPAIGN FOR HUMAN DEVELOPMENT, DIGNITY OF THE HUMAN PERSON 5 (1996) (“Life is God’s sacred domain, from womb to tomb and beyond.”); *Rerum Novarum*, *supra* note 2, at 31 (“The preservation of life is the bounden duty of all, and to fail therein is a crime.”).

71. Archbishop Renato R. Martino, *Statement Before the Plenary Session of the U.N. General Assembly on Item 158: Report on the International Conference on Population and Development* (Nov. 18, 1994) (“[W]hen one speaks of rights one is actually concomitantly defining duties.”); SHARING CATHOLIC SOCIAL TEACHING, *supra* note 53, at 4 (“[T]he Catholic tradition teaches that human dignity can be achieved only if human rights are protected and responsibilities are met.”); A CENTURY OF SOCIAL TEACHING, *supra* note 53, at 4 (“Flowing from our God-given dignity, each person has basic rights and responsibilities.”); Robert A. Destro, *Essay on Laborem Exercens*, in *ESSAYS*, *supra* note 1, at 155 (“[J]ustice requires not only a supportive environment for human liberty and the development of individual potential, but a recognition that human relationships are reciprocal, and that for every claim of ‘right’ there is a corresponding duty, either to oneself or to others.”).

72. *Id.* at 135; see also *id.* (“[I]n human society, to one man’s right there corresponds a duty in all other persons: the duty, namely, of acknowledging and respecting the right in question.”)

also take the opportunity to ask ourselves whether we are fulfilling our symmetrical duties. To the extent we are not, the Jubilee Year becomes a logical time for reflection on this question.

### C. Solidarity<sup>73</sup> and the Preferential Option for the Poor

In addition to, and yet intertwined with,<sup>74</sup> our focus on dignity and human rights, is a third challenge to us as we pursue the future of social justice. This third challenge is renewed attention to solidarity, with a special concern with, or "preferential option" for, the poor.

Solidarity is a frequent theme in the social doctrine of the Catholic Church. It urges us to see how interconnected we are with each other<sup>75</sup> and to recognize that we must make "the joys and the hopes,

73. See CAMPAIGN FOR HUMAN DEVELOPMENT, SOLIDARITY WITH THE POOR 4 (1986) [hereinafter SOLIDARITY], ("[S]olidarity is well-rooted in the Catholic Church. . . . the root word of solidarity is the Latin word 'sol,' meaning 'whole.' The Greek translation is 'holo,' as in Catholic—whole, universal.").

74. Angelo Cardinal Sodano, *Intervention to the World Food Summit FAO Headquarters* (Nov. 16, 1996), reprinted in SERVING THE HUMAN FAMILY, *supra* note 6, at 595-96 ("The first principle of our commitment to solidarity is respect for every human person. Whoever that person may be, he or she possesses inalienable rights. And for believers, every human person is created in the image and likeness of God himself. This is a teaching which can transform our whole vision of life, society, and history.").

75. See *Rerum Novarum*, *supra* note 2, at 23 ("[T]he two classes will not only be united in the bonds of friendship, but also those of brotherly love. For they will understand and feel that all men are the children of the common Father, that is, of God; that all have the same end, which is God himself, who alone can make either men or angels absolutely and perfectly happy."); see also *Quadragesimo Anno*, *supra* note 57, at 74 ("[J]ustice alone, even though most faithfully observed, can remove indeed the cause of social strife, but can never bring about a union of hearts and minds. Yet this union, binding men together, is the main principle of stability in all institutions, no matter how perfect they may seem, which aim at establishing social peace and promoting mutual advancement . . . . Then only will it be possible to unite all in harmonious striving for the common good, when all sections of society have the intimate conviction that they are members of a single family and children of the same Heavenly Father."); *Mater et Magistra*, *supra* note 2, at 110 ("[B]oth the solidarity of the human race and the sense of brotherhood which accords with Christian principles require that some peoples lend others energetic help in many ways."); *id.* ("[T]oday, men are so intimately associated in all parts of the world that they feel, as it were, as if they are members of one and the same household."); *Pacem in Terris*, *supra* note 67, at 140 ("[T]he common good touches the whole man, the needs of both his body and his soul."); *Gaudium et Spes*, *supra* note 2, at 173 ("[B]y his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential."); *id.* at 179 ("One of the salient features of the modern world is the growing interdependence of men one to the other."); *id.* at 180 ("[T]he love of God cannot be separated from love of neighbor. . . . and to a world becoming more unified every day, this truth proves to be of paramount importance."); *id.* at 181 ("Every day, human interdependence grows more tightly drawn and spreads by degrees over the whole world."); *Gaudium et Spes*, *supra* note 2, at 184 ("God did not create man for life in isolation, but for the formation of social unity."); *The Challenge of Peace*, *supra* note 53, at 543 ("The fundamental premise of world order in Catholic teaching is a theological truth: the unity of the human family—rooted in common creation, destined for the kingdom, and united by moral bonds of rights and duties."); A CENTURY OF SOCIAL TEACHING, *supra* note 11, at 6 ("We are one human family, whatever our national, racial, ethnic, economic, and ideological dif-

the griefs and the anxieties"<sup>76</sup> of others our own. The ancient biblical question, "Am I my brother's keeper?" is answered with a resounding "yes" in the affirmative in the doctrine of solidarity.<sup>77</sup> Solidarity calls us to recognize our unity with each other and to draw our attention away from that which divides us. As our world gets smaller, there is reason for optimism<sup>78</sup> as "people are realizing that they are linked together by a common destiny, which is to be constructed together, if catastrophe for all is to be avoided."<sup>79</sup>

So much of what is at the root of injustice is the exaggerated perception of the distance separating us from "the other" and the deceptive belief that our futures can be isolated from those of others. Thus, if we look to the future of social justice, Catholic social thought challenges us to seek ways of understanding this complex unity and to use

ferences."); HENRIOT ET AL., *supra* note 1, at 24 ("We belong to one human family."); Byron, *supra* note 45, at 564 ("Solidarity—true interrelatedness and interdependence among and between both persons and nations—is [Pope John Paul II's] word for peace."); Mahony, *supra* note 50, at 81 ("[O]ur personal destiny is linked to the fate of those most vulnerable. The principle of subsidiarity found throughout social thought impels us to mend social relationships torn apart by sin.").

76. *Gaudium et Spes*, *supra* note 2, at 166.

77. For a pessimistic view of the modern response to this question, see *Evangelium Vitae*, *supra* note 15, at 17:

Cain does not wish to think about his brother and refuse to accept the responsibility which every person has toward others. We cannot but think of today's tendency for people to refuse to accept responsibility for their brothers and sisters. Symptoms of this trend include the lack of solidarity toward society's weakest members—such as the elderly, the infirm, immigrants, children—and the indifference frequently found in relations between the world's people even when basic values such as survival, freedom and peace are involved.

78. See RATZINGER, *supra* note 10, at 37:

There is a new awareness of solidarity, of responsibility for creation. There are movements toward unification and a desire for solidarity to aid people in crisis situations, to promote peace and overcome misery. That is one thing a citizen of this decade sees and should be grateful for. It is also a very practical indication that the good in man cannot be crushed. On the other hand . . . horrendous demoralization . . . cannot be overlooked.

79. *Sollicitudo Rei Socialis*, *supra* note 3, at 411. See also *The Challenge of Peace*, *supra* note 53, at 536 ("The truth that the globe is inhabited by a single family in which all have the same basic needs and all have a right to the goods of the earth is a fundamental principle of Catholic teaching which we believe to be of increasing importance today."); *Statement of Cardinal Sodano*, *supra* note 23, at 116 ("It is necessary that humanity discover its common roots and that our awareness of being brothers and sisters give rise to a great creative effort aimed at the effective exercise of solidarity."); Archbishop Renato R. Martino, *Intervention at the 86th Plenary Meeting of the Fiftieth Session of the General Assembly on Item 161: World Summit for Social Development*, (Dec. 8, 1995), reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 408, 409 ("The human person can only reach full development in a spirit of community and solidarity with others. No individual, no community, no economic unit can live in isolation from others. . . . Development and peace depend on the ability of persons and peoples to establish bonds of solidarity."); FOOD POLICY, *supra* note 19, at 29 ("These problems know no boundaries; they do not stop at the gates of the cities or the borders of nations. We are all bound one to the other.").

our gifts and wealth for the common good.<sup>80</sup> In fact, we are also challenged to be in solidarity with those who will come after us in future generations, recognizing that "we are neither the masters nor the owners, but the depositaries, the heralds, and the servants."<sup>81</sup>

An important component of this solidarity is the particular need for solidarity among those who suffer from poverty and deprivation<sup>82</sup> of all types.<sup>83</sup> This element of solidarity is often expressed as the doctrine of the "preferential option for the poor."<sup>84</sup> Such an "option" in

80. See *World Hunger*, *supra* note 6, at 897 ("[T]he organic pursuit of the common good must be protected, promoted, and where necessary, reactivated as a central component of the basic motivations in the thinking and work of everyone engaged in politics and the economy, at all levels and in every country."); *id.* at 899 ("At the very heart of social justice lies the principle of the universal and common destination of the goods of the earth.").

81. Pope Paul VI, *Evangelii Nuntiandi* (Dec. 8, 1975) [hereinafter *Evangelii Nuntiandi*], reprinted in CATHOLIC SOCIAL THOUGHT, *supra* note 6, at 303, 338. See also *The Challenge of Peace*, *supra* note 53, at 552 ("God made human beings stewards of the earth; we cannot escape this responsibility."); *Holy See's Position on Environment and Development*, *supra* note 60, at 111 ("The human person has a responsibility of stewardship in regard to all creation with which he or she lives in interdependence"); Archbishop Renato R. Martino, *Statement to the United Nations Conference on Environment and Development* (June 4, 1992), reprinted in SERVING THE HUMAN FAMILY, *supra* note 6, at 122-23 ("The universal common good transcends all private interests, all national boundaries, and reaches, beyond the present moment, to future generations."); Pope John Paul II, *Address to Participants at a Meeting Sponsored by the European Bureau for the Environment* (June 7, 1996), reprinted in SERVING THE HUMAN FAMILY, *supra* note 6, at 553, 554 ("Among creatures, [man] is the only being who is responsible for the consequences of his actions, not only for himself, but also for future generations for whom we must prepare a habitable world."); Neuhaus, *supra* note 52, at xii (observing that "the present participates in the future"); and *Christifideles Laici*, *supra* note 28, at 129 ("Even these future generations are the recipients of the Lord's gifts.").

82. *Rerum Novarum*, *supra* note 2, at 23 ("Whoever has received from the divine bounty a large share of blessings, whether they be external and corporal, or gifts of the mind, has received them for the purpose of using them for perfecting his own nature, and, at the same time, that he may employ them, as the minister of God's Providence, for the benefit of others."); *Laborem Exercens*, *supra* note 11, at 371 (noting "the universal destination of goods and the right to common use of them").

83. See *Laborem Exercens*, *supra* note 11, at 363 (noting that "the 'poor' appear under various forms; they appear in various places and at various times."); *Sollicitudo Rei Socialis*, *supra* note 3, at 426 (describing the "special form of poverty" that exists among those "deprived of fundamental human rights").

84. One of the first places in which this doctrine was annunciated in modern times was in *Rerum Novarum* itself:

[T]he poor and helpless have a claim to special consideration. The richer population have many ways of protecting themselves, and stand less in need of help from the State; those who are badly off have no resources of their own to fall back upon.

*Rerum Novarum*, *supra* note 2, at 28. See also *Quadragesimo Anno*, *supra* note 57, at 42, 47 ("[I]n protecting the rights of individuals, [rulers] must have special regard for the infirm and needy."); *Gaudium et Spes*, *supra* note 2, at 182 ("[A] special obligation binds us to make ourselves the neighbor of absolutely every person, and of actively helping him when he comes across our path, whether he be an old person abandoned by all, a foreign laborer unjustly looked down upon, a refugee, a child born of an unlawful union and wrongly suffering for a sin he did not commit, or a hungry person who disturbs our conscience."); *Sollicitudo Rei Socialis*, *supra* note 3, at 422 ("By virtue of her own evangelical duty, the Church feels called to take her stand beside the poor.");

favor of the poor is a particularly challenging part of the call to social justice through solidarity. It calls us to turn from the world's harsh view of the poor and to offer a "preference" or an active pursuit of their well-being rather than the neglect, animosity, or even derision that often accompanies poverty.

#### D. Subsidiarity

A fourth principle on which the future of social justice turns is the principle of subsidiarity.<sup>85</sup> This principle is a recurring theme in Catholic social thought,<sup>86</sup> and a difficult challenge to handle because it is often misunderstood and always politically charged.<sup>87</sup> In essence, the subsidiarity doctrine calls us to resolve justice issues at the most local level rather than on the larger scale. Well explained in the 1931 encyclical, *Quadragesimo Anno* ("Forty Years"), subsidiarity is defined as:

a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and

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*id.* at 425 (describing the preference for the poor as "a special form of primacy in the exercise of Christian charity, to which the whole tradition of the Church bears witness."); *Centesimus Annus*, *supra* note 11, at 482 ("Justice will never be fully attained unless people see in the poor person . . . Not an annoyance or a burden, but an opportunity for showing kindness and a chance for greater enrichment."); SHARING CATHOLIC SOCIAL TEACHING, *supra* note 53, at 5 ("Catholic teaching proclaims that a basic moral test is how our most vulnerable members are faring."); FOOD POLICY, *supra* note 19, at 8 ("How a community treats the powerless and the needy is the measure of its justice."); SOLIDARITY, *supra* note 73, at 1 ("Poor and vulnerable people have a special place in Catholic social teaching."); HENRIOT ET AL., *supra* note 1, at 19 ("Christians see God's face above all in the faces of suffering and wounded people. Consequently, fidelity to Christ requires an identification with and an 'option' for the poor."); *id.* at 23 ("A preferential love should be shown to the poor whose needs and rights are given special attention in God's eyes."); and *Tertio Millennio Adveniens*, *supra* note 5, at 62 ("[I]f we recall that Jesus came to 'preach the good news to the poor' . . . how can we fail to lay greater emphasis on the Church's preferential option for the poor and the outcast. Indeed . . . a commitment to justice and peace in a world like ours, marked by so many conflicts and intolerable social and economic inequalities, is a necessary condition for the preparation and celebration of the Jubilee.").

85. A fuller discussion of subsidiarity may be found in Robert A. Serico, *Subsidiarity, Society & Entitlements: Understanding and Application*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 549 (1997). See also David L. Gregory, *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57, 98-101 (1996) (providing detailed discussions of subsidiarity).

86. Serico, *supra* note 85, at 549 ("As a philosophical notion, [subsidiarity] provides an intellectual framework for the social order rooted in the Christian faith and human liberty. As a concept within Catholic social teaching, it is a fundamental principle that stands alongside the dignity of the human person and the social nature of human life.").

87. The political difficulty with subsidiarity is, of course, that as a social theory it provides few answers on specific questions that are the source of friction and debate. See *id.* at 550 (Noting that subsidiarity "cannot give fixed answers to the burning questions of the day, such as: how much should the state tax, to what extent should religion and public policy be separate, how generous should the social assistance state be or should it even exist? These questions still remain within the realm of prudence and circumstance.").

commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same time a grave evil and disturbance of right order to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies.<sup>88</sup>

More simply, this philosophy also appears on the hackneyed bumper stickers that proclaim "think globally, but act locally."

This principle calls us to attack social justice issues primarily at the most local level—the individual, the family, the voluntary association, and the village should respond before the national or international community acts. The rationale for this principle is at once practical and philosophical. On the practical level, it is based on a belief that the local community is better able to assess needs, formulate a plan of action, and build a fair, informed solution. On a more philosophical and moral level, this doctrine reflects a fear that delegating such tasks to the larger organs of government, however benign, poses a risk of

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88. *Quadragesimo Anno*, *supra* note 57, at 60. A similar definition of subsidiary—and a declaration of its importance—may be found in *Centesimus Annus*, *supra* note 11, at 476:

[A] community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.

See also Robert Royal, *Essay on Populorum Progressio*, in *ESSAYS*, *supra* note 1, at 120:

Subsidiarity, simply defined, means that the smallest possible grouping in society . . . Should bear primacy responsibility for an activity. These groups understand problems close to their origin and are in a good position to respond effectively. The national state is an agent of last resort because of its basic incapacity to respond effectively. The national state is an agent of last resort because of its basic incapacity to deal with small-scale difficulties and because of the inherent danger in turning over too many social responsibilities to state power. Typically, the state deals with problems like natural disasters or defense from aggressors. On this principle, state-to-state aid is warranted in an emergency and for a limited period. When it becomes a perpetual method for dealing with the economic life in a society, however, it ignores basic truths about human life in community and, over time, subverts the true order of reality, paving the way for true disorder.

For a similar discussion, see Serico, *supra* note 85, at 550-51; describing subsidiarity as:

[A] hierarchy of social action and responsibility that begins with the claim of primacy for the smallest units in society . . . These groups have the first responsibility for caring for their own needs and for those with whom they come in contact. On the occasion when they fail to function as they should, higher social structures, beginning with the closest level of government, are permitted to temporarily assume responsibility . . . but only for the duration that the higher orders can perform the job more effectively than the lower ones.

See also Himes, *supra* note 68, at 526:

Subsidiarity requires that no larger group should usurp the power and responsibility of a smaller group unless the common good demands that the larger group render assistance to the smaller entity. . . . Subsidiarity underscores that the state's role is to help these smaller communities achieve their proper aim.

restraint of free will,<sup>89</sup> and can weaken the sense of individual responsibility for social injustices. In many cases, it can be easier to advocate that another—the government, an agency, an international tribunal—take responsibility for social ills rather than to take an active step to remedy a problem on a local or individual level. Yet, subsidiarity challenges us to do just that: to understand the most local level at which an injustice can be attacked and work from there.

Naturally, subsidiarity has its inherent limitations, and Catholic social teachings consistently warn of these limitations.<sup>90</sup> There are situations in which some action of a larger body is needed to solve a serious problem. Many large questions of social justice are, in fact, incapable of effective or enduring solution at a local level. Questions of environmental protection, multinational diplomacy, response to natural disasters, and large development needs clearly seem to require attention beyond the local unit. In other circumstances, the local units may themselves be unjust, and, therefore, the intervention of one with more power is needed to prevent abuse from going unchecked.

Thus, this aspect of achieving justice requires real wisdom. As we look to the future of social justice, we are called to that wisdom.<sup>91</sup> We are asked to take a hard look at the obstacles to justice, and to make prudent judgments about the most effective level of authority at which those obstacles can be removed.

### E. Sacrificial Charity

The fifth, final, and in many ways, most difficult element required if social justice is to have a bright future, is that of sacrificial charity, or love. Indeed, Pope John XXIII went so far as to say that in

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89. *Mater et Magistra*, *supra* note 2, at 94 (“[A]s these various forms of association are multiplied and daily extended, it also happens that in many areas of activity, rules and laws controlling and determining relationships of citizens are multiple. As a consequence, opportunity for free action by individuals is restricted within narrower limits.”).

90. *Rerum Novarum*, *supra* note 2, at 18 (“[I]f a family finds itself in great difficulty, utterly friendless, and without prospect for help, it is right that extreme necessity be met by public aid . . . . In like manner, if within the walls of the household there occur grave disturbance of mutual rights, the public power must interfere to force each party to give the other what is due; for this is not to rob citizens of their rights but justly and properly to safeguard and strengthen them.”); *DEBT FORGIVENESS*, *supra* note 7, at 10-11 (“[N]othing should be done by a higher or larger entity that can be done as well by a lower or smaller one; conversely, problems that cannot be solved by individuals, civil society, or even individual nation states must be addressed by international structures.”); Kohler, *supra* note 52, at 27, 30 (“[T]he state and all other associations exist for the individual. Societies should not assume what individuals can do, nor should larger societies undertake what smaller associations can accomplish. Conversely, the state has the responsibility to take up those task that neither individuals nor smaller societies can perform.”).

91. See McGovern, *supra* note 51, at 462 (noting the demand for “an effort to make prudential judgments about specific issues and policies and to make them in light of the perspective and moral principles set forth in Catholic social teachings.”).



the command to give "is contained the full social teaching and action of the Church."<sup>92</sup> More recently, it has been written that:

[H]uman advancement depends on the human being's capacity to practice altruism, love in other words, which has extremely important practical implications. In succinct and realistic terms, love is not a luxury. It is a condition for the survival of a very large number of human beings.<sup>93</sup>

As we look toward the future of social justice, it is important to use our minds to plan a more just future. More importantly, however, if true justice is to be achieved, our hearts must be turned as well to the love that is the "driving force" behind any true vision of a just society, because "justice attains its inner fullness only in love."<sup>94</sup>

Many who devote their lives to the pursuit of social justice have done so because they have come to understand the need for such sacrificial charity. Without such willingness to sacrifice for the good of others out of love or charity, there is an emptiness in our hope for justice and a shallowness in all our answers to social problems. At the

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92. *Mater et Magistra*, *supra* note 2, at 85. See also Murphy, *supra* note 53, at 24 ("One important element often overlooked by some social activists in the Church is the bond . . . between commitment to social justice and the necessity of the virtuous life. Justice and social charity are intimately linked. . . ."); HENRIOT ET AL., *supra* note 1, at 21 ("[T]he social teaching has been increasingly shaped by the primacy of love. The primacy of love has three meanings in this context. First, love is at the heart of the virtue of justice, and brings the actions of justice to their fullest potential, meaning, and life. Second, love is the motivation to act on behalf of justice. Third, the fundamental option of love, which the heart makes for God as the grounds of our being, produces moral action. Reason is not discarded in the social teachings, but put in its proper place.").

93. *World Hunger*, *supra* note 6, at 869, 886. See also *Rerum Novarum*, *supra* note 2, at 38 ("[T]he happy results we all long for must be chiefly brought about by the plenteous outpouring of charity; of that true Christian charity which is the fulfilling of the whole Gospel law, which is always ready to sacrifice itself for other's sake, and which is man's surest antidote against worldly pride and immoderate love of self."); *Quadragesimo Anno*, *supra* note 57, at 53 ("[T]he grave obligations of charity, beneficence, and liberality which rest upon the wealthy are constantly insisted upon in telling words by Holy Scriptures and the Fathers of the Church."); HENRIOT ET AL., *supra* note 1, at 23 ("Love is an absolute demand for justice, because charity must manifest itself in actions and structures which respect human dignity, protect human rights, and facilitate human development."); and RATZINGER, *supra* note 10, at 282 ("History as a whole is the struggle between love and the inability to love, between love and the refusal to love.").

94. *Justice in the World*, *supra* note 48, at 293. See also *id.* ("[Love implies an absolute demand for justice, namely a recognition of the dignity and rights of one's neighbor."]; *Gaudium et Spes*, *supra* note 2, at 188 ("[L]ove is not something to be reserved for important matters, but must be pursued chiefly in the ordinary circumstances of life."); *Justice in the World*, *supra* note 48, at 293 ("[L]ove implies an absolute demand for justice, namely a recognition of the dignity and rights of one's neighbor."). See also Murphy, *supra* note 53, at 16 (observing that the ancient Greek view that "the guarantee of the good state lay in the virtue of its citizens" is "harmonious with the stress in Catholic social teaching upon the life of charity as the best guarantee of a good society."). Conversely, it has been observed that "the earth is suffering because of human selfishness." *Statement of Cardinal Sodano*, *supra* note 23, at 115.

risk of sounding naively idealistic, I end with this call to charity as the fifth pillar of social justice.

### III. CONCLUSION

With these five principles in mind, "our task is to move from aspiration to action."<sup>95</sup> As attorneys and aspiring attorneys, and as those already working in the pursuit of justice, we are at a point in which we can make a difference, and, indeed, must make a difference.<sup>96</sup> It has been written that "[t]he future of humanity lies in the hands of those who are strong enough to provide coming generations with reasons for living and hoping."<sup>97</sup> Our task is nothing less than providing such a gift to those who come after us. Although we may live "buffeted between hope and anxiety,"<sup>98</sup> and although progress may seem at times to be slow,<sup>99</sup> "[t]here is no justification . . . for despair or pessimism or inertia."<sup>100</sup>

A wonderful story illustrates the effect that our actions in pursuit of justice today may have tomorrow. I told you in the beginning that I am neither a philosopher nor a theologian. I must also admit that I am not an astronomer, and so I cannot vouch for the scientific accuracy of this story. But, it has been said that:

Quasars . . . are ten trillion times more brilliant than . . . the sun. . . . They are so bright that they can be observed at distances more than 10 billion light years away from Earth. Some

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95. *Statement of Professor Glendon*, *supra* note 11, at 523.

96. For a similar sentiment, see, e.g., Mahony, *supra* note 50, at 86 (explaining that "[T]he Catholic community needs to be more than ever a source of clear moral vision and effective action. We are called to be the 'salt of the earth' and 'light of the world' in the words of Scriptures.").

97. *Gaudium et Spes*, *supra* note 2, at 184.

98. *Id.* at 168. See also *The Challenge of Peace*, *supra* note 53, at 504 ("The Christian understanding of history is hopeful and confident but also sober and realistic."); Madeleine K. Albright, *Centennial Inaugural Remarks on Religious Freedom at the Columbus School of Law*, 47 CATH. U. L. REV. 361-62 (1998) ("Today, we . . . are about to begin a new century. We . . . live in a hopeful era of relative peace and startling technological change. And as we look to the future, we know that we, too, will be tested by the clash between what is best and worst in human character.").

99. See *Pacem in Terris*, *supra* note 67, at 158 ("[T]o proceed gradually is the law of life in all its expressions; therefore in human institutions, too, it is not possible to renovate for the better except by working from within them gradually."); and *The Challenge of Peace*, *supra* note 53, at 535 (describing the world as "not yet the fulfillment of God's kingdom").

100. *Sollicitudo Rei Socialis*, *supra* note 3, at 429. See also RATZINGER, *supra* note 10, at 268 ("[W]e are actually once again before a new beginning and . . . this also contains the hopes of a new beginning."). See also *Christifideles Laici*, *supra* note 28, at 11 ("It is necessary, then to keep a watchful eye on this our world, with its problems and values, its defeats and triumphs: a world whose economic, social, political and cultural affairs pose problems and grave difficulties.").

of the ones we see . . . have been dead for several billion years, and their light is just reaching the Earth. When nothing you do seems to prosper, to take root, to grow, quasars teach us not to despair. Some light comes along later, long after it first dared to gleam.<sup>101</sup>

I challenge you today to "dare to gleam," so that soon (and not several billion years from now) it can be said that we celebrated our Jubilee by a renewed commitment to social justice: to dignity, to basic human rights, to solidarity, to subsidiarity, and to sacrificial charity. Like our ancestors long ago who marked their jubilees with concrete social actions, so too should we face our future with renewed attention to our social responsibilities.

Here at Seattle University School of Law, you have a wonderful future ahead of you. Your new home will, I hope, play host to programs, activities, study, and learning geared toward preparing tomorrow's lawyers to take their places at the forefront of the pursuit of social justice. I wish you the blessings of much success as you move forward. In closing, I would like to leave you a prayer articulated by our present Pope in a 1994 letter to the world's heads of state:

I pray that God will grant you discernment and courage, and enable you to join the very many people of good will, both in your own country and throughout the world, in blazing new paths, where all can walk hand in hand and together build a renewed world which will truly be family, the family of peoples.<sup>102</sup>

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101. SOLIDARITY, *supra* note 73, at 18.

102. Pope John Paul II, *Letter to the World's Heads of State*, (March 19, 1994) reprinted in *SERVING THE HUMAN FAMILY*, *supra* note 6, at 199, 201.